CULTURAL LEADERS OF INDIA

Social Philosophers

MANU . YAJNAVALKYA
. KAUTILYA . VATSYAYANA
. TIRUVALLUVAR

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Manu • Yajnavalkya • Kautilya
Vatsyayana • Tiruvalluvar

General Editor : V. Raghavan

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MANU

Prasanta Bihari Mukharji

Manu is regarded as one of the greatest legal and social philosophers of the world. In the world of jurisprudence and sociology, the Institutes of Manu are more ancient than those of Justinian in Roman Law and are more far-reaching and pervasive and more ancient than the laws of Solon or Lycurgus.

The origin of Manu is lost in mystery and antiquity. In the *Manusamhita* (I. 34.35) it has been said that being desirous of creating mankind, Manu performed very difficult religious austerities and created ten great *rishis* or sages who visualised the entire evolution of human destiny across all time and space. These seers were Marichi, Atri, Angiras, Pulastya, Pulaha, Kratu, Prachetas, Vasistha, Bhrigu and Narada. The Code of Manu from the theological aspect is regarded as emanating from God, the Lord of creation. It was Manu who first expressed this divine revelation to mankind. He is, therefore, regarded as the first lawgiver of the world. He successfully taught Marichi and other holy sages including Bhrigu.

In this celebrated Preface to the Institutes or Ordinances of Manu, published in 1794, Sir William Jones described him as originator of laws in these terms:

> Law in all its branches, which the Hindus firmly believe to have been promulgated in the beginning of time by Manu, son or grandson of Brahma, or, in plain language, the first of created beings, and not the oldest only, but the holiest of legislators; a system

so comprehensive and so minutely exact that it may be considered as the Institute of Hindu Law, preparatory to the copious digest, which has lately been compiled by Pandits of eminent learning, and introductory perhaps to a Code, which may supply the many natural defects in the old jurisprudence of this country, and without any deviation from its principles, to accommodate it justly to the improvements of a commercial age.

Sir William Jones also notices the fact that "the dialect of Manu is observed in many passages to resemble that of the Vedas, particularly in its departure from the more modern grammatical forms; when it must at first view seem very probable that the laws, now brought to light, were considerably older than those of Solon or even of Lycurgus, although the promulgation of them, before they were reduced to writing, might have been coeval with the first monarchies established in Egypt or Asia."

According to Sir William Jones, Manu was undoubtedly much older than Minos' laws and it is likely that Manu's Institutes may have been adopted in the Island of Crete from where Lycurgus, a century or two afterwards, may have imported them into Sparta. There is strong resemblance between Manu with his symbol, the divine "Pull" representing "Dharma" or the genius of abstract Justice and the Minos of Egypt with his companion symbol "Apis". There is a school which tries to find an identity between Manu and Minos.

The age of the present Manu as distinguished from the Manus of other cycles of time recognised in Hindu Law is a matter of debate into which we need not enter. According to high authority Manu is prior to the Roman and the Egyptian law giver, and others who have ventured on a specific date, have suggested dates varying from 880 and 1280 to 1580 B.C.

It is the general opinion of scholars that Brahma

(God) revealed His laws to Manu in a hundred thousand verses, which Manu explained to the world under twentyfour heads in a thousand chapters. There has been an abridged edition of Manu for the use of mankind by sages and social philosophers like Narada, Bhrigu and Sumati. Numerous glosses or commentaries on Manu were composed by philosophers, whose treatises constitute the Dharmasastra, in a collective sense, and may be called, "the body of laws". Among the more modern commentaries in a relative sense, those of Medhatithi, Govindaraja and Dharanidhara were once very popular. The first was reckoned as prolix and verbose and the second was said to be too concise and obscure. Then came the commentary by Kulluka Bhatta a very scholarly and learned commentator. It is difficult also to fix the date of Kulluka Bhatta, who came from Bengal and wrote probably in the middle of the 13th century A.D.

Manu is regarded as the oldest reputed lawmaker in the world. His laws cover different cycles of human civilisation of which four main divisions are made in Hindu Law—the Satya, the Treta, the Dvapara, and the Kali Yuga. Mythologically Manu is regarded as being the divine revelation of the laws to mankind and in that view there are different Manus in different ages.

But, the Manu whose Institutes are well known today and are regarded as an authoritative source of Hindu Law is a historical figure. In the Dharmasastra itself, it is said that the first work was by Manu himself, the second was by Narada and the third was by Sumati. These together form the Institutes of Manu because Manu was the inspirer of both Narada and Sumati. Sir William Jones, on the identity of Manu, appeared to distinguish between the "Vriddha" Manu and the "Brihat" Manu, or the "old" Manu and the "great" Manu.

In J.D. Mayne's *Hindu Law and Usage*, it is pointed out that the personality of Manu, regarded as the ancestor

to mankind and so described in the Code of Manu, may be mythological. But the historicity of Manu is also an equally well established fact. Professor M. Monier Williams fixes the date of Manu's Institutes at about the 5th century B.C. Professor Max Muller appeared to think that the date of Manu's Institutes would be about 200 B.C. According to Professor Buhler the present *Bhrigusamhita* is the most ancient reproduction of Dharmasastra attributed to Manu. Dr. Jayaswal suggests that Manu's Smriti came into existence somewhere between 184 B.C. and 72 B.C. According to Dr. Kane, Manu's Smriti as a whole can be dated from about the 3rd century B.C.

The present *Manusmriti*, that is, Bhrigu's version of the Institutes of law proclaimed by Manu, is composed in verses.

Manu's great contribution to Indian culture and to the world as a social and legal philosopher may now be broadly assessed.

It is laid down in the Code of Manu that there are four sources of all laws. The first is the Vedas, the immanent and the eternal laws of the Universe. They provide the universal elements of all laws. The second is the Smriti which etymologically means, "carried down through remembrance or memory". These Smritis are the principal source of lawyers' laws. They, however, also contain discourses on subjects other than positive law. The Smritis are to be distinguished from the Srutis, which contain very little of lawyers' law but are more concerned with religion, spiritual knowledge and liberation. The Srutis comprise the four Vedas, the six Vedangas and the Upanishads. The Dharmasastra is the expression often used to designate the Smriti alone to emphasise their practical importance. Therefore, Manu says, "by Sruti is known the Vedas and by Smriti the Dharmasastra."

Manu's greatest contribution was the concept of law as Dharma. Etymologically, Dharma is what upholds and

sustains. Law is, therefore, that which sustains and not destroys. Law is what unites and binds and not what separates. In that sense, Manu anticipated by centuries the modern sociological school of jurisprudence.

The third source of law, according to Manu, is custom or approved usage. Customs or approved usages represent the social wisdom and the social experience of the community. Manu is practically the first legal philosopher to indicate that much of the law is custom regulating society. This also has a sociological connotation for law but is more modern than the Justinian concept of law as the command of human superior. According to Manu, the two characteristics of approved custom must be *sadachara* and *sistachara*. In other words, custom to become law must not be immoral and must be generally acceptable as a binding discipline.

The fourth source of law, according to Manu, is "what is agreeable to one's soul or good conscience." Here again Manu was anticipating equity and good conscience as a source of law. It may come through *sadachara* or *sistachara*, but it is also an evolving or developing conscience as the human society progresses from one level to another.

These four sources of law, according to Manu, will be found in the *Manusmriti* ii, 12. Manu can be regarded as the first legal and social philosopher of the world to point out, analyse and lay down the sources of law.

One very distinctive contribution of Manu to the theory of law and its practice is the idea of relativity of law according to time and country. Law includes both universal and local features. Its universal elements are inexorable, while its local elements are flexible.

It is astonishing to find in so ancient a Code like the Institutes of Manu or the Dharmasastra the detailed description of the Forms of Action in Courts of Law. In the *Manusmriti* viii-2-7, this is the description which occurs:

> In his Court of Justice, either sitting or standing, holding forth his right arm, unostentatious in his dress and ornaments, let the king, every day, decide, one after another, cases of suitors separately classified under eighteen Forms of Action, by rules founded on Local Usages and Codes of Laws. These Forms of Action are described as (1) Recovery of Debts, (2) Deposit and Pledge, (3) Sale without ownership, (4) Joint Concerns or Partnership, (5) Resumption of Gifts, (6) Non-payment of Wages, (7) Breach of Contract, (8) Rescission of Sale and Purchase, (9) Dispute between the Owner of Cattle and the Shepherd, (10) Dispute relating to Boundaries or Trespass, (11) Violence consisting of Assault, (12) Violence consisting of Abuse or Slander and Defamation, (13) Theft, (14) Force consisting of Robbery, Hurt or Violence on Women, (15) Adultery, (16) Duties of Man and Wife, (17) Partition and Inheritance, and (18) Gambling and Betting.

Manu describes these eighteen Forms of Action as the very foundation on which litigations rest. The vision of Manu in the world of law on these points is large enough to include the entire modern concept of law in action. It includes what is now known as Common Law of Contracts and Torts. It also covers crimes. It is in many ways comparable to Roman Law and the Institutes of Justinian but is more advanced and detailed.

It was Manu who first defined the different areas of law. Both civil and criminal laws were carefully defined by him. What is more, he was particular also about the rules of judicial procedures. Both substantive and adjective laws received elaborate consideration at the hands of Manu. Principles of natural justice are an unbroken refrain in Manu's elaborate analysis of laws and forms of Action. It was Manu who tried first to evolve the modern theory that justice must not only be done but must also appear to be done. He also anticipates

martrimonial law relating to husband and wife and lays down the rules of just inheritance, divisions and partitions of properties. The far-reaching vision of Manu analyses the nature of the law of contract including that of principal and surety. Even the contract of carriage and the law of transport received exposition at his hands. Thousands of years ago, Manu laid down the disqualifications of a contracting party which still hold good today under moderns laws of contract. The new doctrine of unjust enrichment in the modern law of jurisprudence was carefully analysed by Manu. The criminology explained by Manu included various classifications of crimes against the individual, the society and the State, which can compare with the Indian Penal Code of this age and the modern criminal laws of other countries. The theory of Torts, the principles of delict are clearly formulated. The idea of punishment and damages both as compensation and as penalty received excellent exposition by Manu. This will not be a place to discuss the entire branch of law and jurisprudence which the Institutes of Manu cover. It is enough to point out that there is hardly any branch of modern law which did not come within the vision of Manu and his Institutes.

An outstanding contribution of Manu is his enunciation of constitutional law, administrative law and the laws and rules of statecraft, called the *rajadharma* and *rastrasasana*. Manu makes it clear that there should be separation of power, which was later developed by Kautilya.

One of the great juristic ideas which Manu proclaimed and which still remains to be accepted by the jurisprudence of the world is the integration of the ideas of laws and justice. Laws of God and laws of nature must find a reflection in the laws of society and human beings. This necessarily produced two important consequences in law and jurisprudence. In the first place, the modern theory, one of whose main exponents was the modern

leading world-jurist Roscoe Found, of justice according to law received a much ampler meaning at the hands of Manu. That amplitude of Manu's meaning tones down the defects of what are called the "Lawless laws" in the present society. Although, no doubt Manu saw the distinction between universal law and relative law limited to time, space and society for the time being, yet he did not completely dissociate the two as the modern jurists have tried to do with great embarrassment to concepts of law and justice. According to Manu the basic disciplines of society, which are the foundation of law and order are bound to be disrupted if there is no integration between the universal and the relative laws. It is because of this view of Manu that his Institutes contained a link between law and morality. Today there are attempts to separate them in modern jurisprudence.

The *Manusamhita* deals with the laws of creation, progress and self-realisation. Manu, therefore, deals with the laws of religion, with the laws of society, with the laws of spiritual uplift, with the laws of biology and mental sciences, with sociology and with the laws of statecraft. Law in his view is total and cannot be fragmented, segmented or un-coordinated.

Manu himself speaks of his identity and origin. The ultimate law-giver, according to Manu, is God himself. He is the legislator of the Universe. He rules the creation. He rules the entire nature. He rules all creatures and those who are not creatures. He is both manifest and unmanifest. This divine origin of laws should not be confused with the western theory of divine rights of the human monarch. While the Western jurisprudence regarded the human monarch or the State as the origin of laws, Manu proclaimed that even the human monarch at best is only a representative of God and was subject to Dharma. Manu does not subscribe to the modern juristic theory that the king can do no wrong. The king or the

monarch is as much governed by the laws as his subjects over whom he rules.

In Hindu jurisprudence, therefore, according to Manu, there was no scope for the doctrine that a statute ordinarily does not bind the Crown unless it expressly says so. This theory of Manu is taken from the Vedas which declare: "God produced the transcendent body of law, since law is the King of kings, far more powerful and enduring than they; nothing can be mightier than law by whose aid, as by that of the highest monarch, even the weak may prevail over the strong." Manu is here enunciating the modern constitutional doctrine of equality of laws and equal protection of laws.

It, therefore, follows that Manu stands out as a colossus in the world of law and juristic thought. His comprehensiveness was sensitive enough to encompass the true sociology of law dealing both with law as it is and what it should be and aspire to be. The Institutes of Manu have inspired consciously or unconsciously many systems of ancient and modern jurisprudence and social philosophy.

Manu's greatness and originality are not confined to legal and juristic philosophy. Great as his contribution is in the world of law, still greater is his outstanding position as a social philosopher. An evaluation of Manu's social philosophy has a great relevance in the modern age because his social philosophy is at once intensive, extensive and comprehensive. It covers the entire story of mankind as a whole, its origin, its evolution, its aspirations and its final consummation. His canvas is much wider than Darwin's or Herbert Spencer's.

Some broad indications of the range and magnitude of Manu's social philosophy will help one to understand the nature of his message. The first chapter of the *Manusamhita* deals with the creation of the Universe, time, space, firmament, cycles of time or, in other words the

four Yugas, the creation of man and woman, the family, the basic balance of society representing its four characteristic features of (1) the intellectual and spiritual aspects represented by the Brahmans, (2) the fighting, defensive and protective qualities represented by the Kshatriyas, (3) the business and commercial qualities for production and distribution of goods among the members of the human society represented by the Vaisyas and (4) the manual service for maintenance of the home, the family and the State represented by the Sudras. Manu lays great emphasis on occupational and functional qualities in groups within the human society.

In Manu's social philosophy the whole range of creation is, as an inter-related pattern, drawing its source from the unconditional absolute Brahman, the central Reality at once immanent and transcendent. This potential static absolute is then ruffled by three major qualities of Sattva, Rajas and Tamas, broadly representing the principle of perfection, lopsided action and the forces of inertia and being so ruffled the one unconditioned Absolute produces the different elements of nature classified as solidity, liquidity, energy, atmosphere and the principle of static container. In Sanskrit terminology they are *kshiti, ap, teja, maruta* and *vyoma*. In analysing the nature and the constituent elements of the Universe, Manu anticipates the Samkhya philosophy in this respect! The process how the One becomes many through Karma and Vasanas producing varieties of inanimate and animate objects, the entire phenomenal Nature, the multitude of minds and bodies, systems of creation and, in short, endless kinetic manifestations. Manu speaks of not only visible but also of non-visible entities. The significance of this part of his social philosophy lies in the theory of social evolution in the relativity of time and space; cycles of time consisting of the four different Yugas and their duration, and the duality of night and day in the different solar systems of

the Universe. In this Manu anticipates the modern doctrine of expanding and contracting society with the expanding and contracting Universe advocated by Einstein and modern physicists. Verses 64 to 80 in the first chapter of the *Manusamhita* on this point are illuminating and scientific.

The second chapter of the *Manusamhita* deals with the essence of religion, the importance of religious practices, the four basic types of discipline for a balanced sociological order, namely (1) the period of education and building up of character with emphasis on self-restraint and control of the senses, (2) the acceptance of the obligations of marriage and family life, (3) the period of detachment followed by (4) renunciation. These are the celebrated four Ashramas—Brahmacharya, Grihastha, Vanaprastha and Sanyasa. In Manu's social philosophy, no sociological order and no sociological balance and harmony can be maintained unless each of these Ashramas is duly observed and respected. The details of duties are laid down with sufficient particulars for each of these four different Ashramas in the third, fourth, fifth and sixth chapters of the *Manusamhita*.

The theory of social evolution initiated by Manu begins with Brahma and, as already indicated, it is determined by the Karma (Results of action) and Vasana (desire). The theory of progressive social evolution is admitted by Manu, provided the appropriate Ashramas and their respective duties acttached to such Ashramas are correctly observed and performed. When that is done, man can liberate himself from all his limitations—physical, mental and emotional. He can become God himself. The path of evolutionary process according to Manu from this point of view is from the multiplicity to the unity, from the many individuals to the one universal. It is in fact reversing the cyclic process of time which is a victim of biological creation, growth, death and decay.

It differs from the Western theory of evolution in this that in the road of social life if the desire and the work are not in tune with the order of the Universe, which is Dharma, then it is possible to lapse from the higher order of creation to the lower order of creation, from man to animalhood, from animalhood to vegetation, from vegetation to inanimate objects. In other words. Nature holds no brief for the human experiment and if man will not conform with the nature and the order of the Universe, he will eliminate; himself through inner erosion. This explains the cause of the rise and fall of civilisation in human society.

Manu's social philosophy explains the evolution of life by taking different bodies. Life is an endless process coursing through incarnation and re-incarnation. Life is perpetual and death is only a temporary phase. This perpetual life has to be in tune with the order of Nature and the Universe or else it produces the bio-sociological pattern of birth, growth, decay and death, because'it surrenders to desires to conflict with the order of the Universe.

The most significant part from the modern point of view is Manu's social philosophy describing Statecraft and protection of the State and society. This is elaborately discussed in chapters 7 and 8 of the *Manusamhita*. It deals with the principle of the State, the ideal State more Platonic than Hegelian and what it means, the duties of the monarch, the State and the subjects, the principle of selecting ministers of the State as well as the principle of appointment of employees of the State. In that social structure, careful and detailed emphasis is laid on the duties of the armed forces and the commander-in-chief, the principles of honourable warfare, salaries in State, taxes and also the duties and work of diplomacy and of diplomats. The majesty, the divinity, the power and the efficiency of the State and the monarch are descrbed by

Manu in many verses especially in verses 3 to 34 of chapter 7 of the *Manusamhita.* The importance of law and judicial order as part of the Statecraft is described by Manu, in chapter 8 of the *Manusamhita.*

The remarkable significance of Manu's social philosophy lies in his emphasis on biology and eugenics to produce the right type of responsible members of orderly human society. The treatment of this subject will be found in chapter 10 of the *Manusamhita.* Hybridisation destroys the basic material of the human being and Manu describes it as one of the major causes of the decline and destruction of State and soceity. For illustration, reference may be made to verse 61 of chapter 10 of *Manusamhita.*

The final consummation of all human society is an order which is in tune with the basic principles of the universe. Manu aims at achieving a divine society. The aim of human society and the State, according to Manu, is liberation from all limitations and all inadequacies of body, mind and nature. In so far as man, society, and the State serve those dominant purposes, they justify themselves. Manu elaborates on this theme in chapter 12 of the *Manusamhita* dealing with the true concept of freedom and liberation for man using and transcending the agency of social order.

The social philosophy of Manu represents the most perfect balance between the eternally integrated One in an eternally disintegrating environment. It contains the secret of social dynamics in a super-social statistics, the harmony between the centripetal and the centrifugal forces. It is a social philosophy which holds the harmony and the rhythm between individual, society and State, between freedom and organisation. Manu's social philosophy overlooks no details starting from eugenics and breeding, education and training, discipline, organisation and regimentation and ending with the conquest of time, death and decay. The basic ideas of

Manu's social philosophy rest on his remarkable knowledge of physical and non-physical sciences presenting a total picture of the destiny of men, individually and socially and in the organised State. It provides the secret of continuity, tranquillity and stability of the social order in the midst of conflict, tension and disharmony. The whole panorama of the evolution of the individual through social order is described by Manu in chapter 12 of the *Manusamhita.*

In the social philosophy of Manu, the doctrine of form and substance acquires practical dimensions. According to him, in the phenomenal universe of sociological order, there can be no substance without form and no form without substance. They are mutually inseparable in the social dynamics of time and space, and disregard of the one will recoil on the other, disturbing the smooth working of human society. Therefore, Manu insists on *achara* in sociology and its intelligent and sustained observance in practical life. In the English sense *achara* is more or less habit. Habits of individual and social life have to be harmonised to produce the ideal man and ideal society. In chapter 2 of the *Manusamhita,* a whole code is laid down to indicate these habits. His famous four classical characteristics of Dharma, the upholding principle and life of society are, (1) knowledge based on the Vedas, the Book of life, (2) tradition and experience described as the Smritis, (3) good and sanctified habits and experiments in life known as *sadachara,* and (4) undisturbed self-contentment both in the dynamics of life and with the ideal of life, and this is known as *atmaprasada.* Chapter 2, verse 12 of the *Manusamhita* may be referred to. Only when these principles are applied are the four aspirations of man and human society attained, namely, the *chatur vargas* of (1) Dharma, the upholding and sustaining principle, (2) Artha, affluence of man and the affluent society in pursuit of the meaningful purpose of life and organisation, (3) Kama, meaning desires and

attachments, and (4) Moksha, the complete freedom and liberation of man and society.

It will be seen that a proper assessment of Manu reveals his many-sided genius. His social philosophy includes religious philosophy, moral philosophy, legal philosophy, spiritual and ethical ideals as well as all the sciences of life and its solution.

YAJNAVALKYA

Bhabatosh Bhattacharya

One of the outstanding figures in the realm of the social historians and philosophers, Yajnavalkya is perhaps the earliest Smriti author, who enumerated in one place (I. 4-5)[1] twenty exponents of Dharma. These early works on Dharma (or Smritis) are the products of different and widely separated ages. Some of them are in prose, or in mixed prose and verse, while the majority are in verse. A few of them are very ancient and were composed centuries before the Christian era like the Dharmasutras of Gautama, Apastamba and Bandhayana and the *Manusmriti*. Some were composed in the first centuries of the Christian era such as the Smritis of Yajnavalkya, Parasara and Narada. Most of the other Smritis fall within the period between 400 and 1000 A.D. All these Smritis are not of equal authority. Exclusive of the Dharmasutras (i.e. Smritis composed in prose), hardly a dozen Smritis have found commentators. These Smritis depict and enumerate the customs and usages of their own times. The Smritikaras make mention of their predecessors by name and afterwards give their own views in the matter, when they differ from them.

Many commentaries were written on the *Yajnavalkyasmriti* of which the following four have so far been discovered and published:

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1. Manvatri-Vishnu-Harita-Yajnavalkyosano Angirah Yamapastamba-Samvartah Katyayana-Brihaspati Parasara-Vyasa Sankhalikhita Daksha-Gautamau Satatapa-Vasisthascha Dharmasastraprayojakah.

(1) The *Balakrida* of Visvarupa (composed between 750 and 1000 A.D.)

(2) The *Mitakshara* of Vijnanesvara (composed between 1070 and 1100 A.D.)

(3) The *Apararka* of Aparaditya (composed between 1115 and 1130 A.D.)

(4) The *Dipakalika* of Sulapani (composed between 1375 and 1460 A.D.)

The *Balakrida*, though literally meaning "child's play" is the most difficult of the above mentioned four commentaries on the *Yajnavalkyasmriti*, as it is a hard nut to crack. The *Mitakshara* and *Apararka*, the more familiar commentaries on the same author are in the nature of digests, having incorporated within themselves all the relevant Smriti matters, either prevalent in book-form in the times of their respective authors or collected from the floating mass of cognate materials. Like the *Balakrida*, the *Mitakshara* is also a misnomer, because though literally meaning "a concise commentary of limited letters", it is really *amitakshara*, i.e. a commentary "of unlimited dimension." This is evident from some of its comments on the original verses of the *Yajnavalkyasmriti* extending over several printed pages. The *Dipakalika* is, however, the most concise commentary on the *Yajnavalkyasmriti*. So we find that Raghunandana, the great 16th century *nibandhakara* of Bengal, has quoted from the celebrated *Mitakshara* and the concise *Dipakalika* only to elucidate difficult verses of the *Yajnavalkyasmriti* quoted by him.

There is not only a slight variation in the number of verses, contained in the *Yajnavalkyasmriti*, according to, Visvarupa, Vijnanesvara[1] and Aparaditya: but the arrangement of verses and readings, adopted by the first

1. According to Vijnanesvara, the numbers of verses in the respective chapters of *Yajnavalkyasmriti* are 368 (ch. 1), 307 (ch. 2) and 335 (ch. 3).

two commentators are also different. The *Agnipurana* which represents a text midway between these two commentators, thus affords an excellent check for the consideration of the text of the *Yajnavalkyasmriti*, and thereby represents the text, as current about 900 A.D. The Garudapurana (ch. 93) expressly says that the Dharma, promulgated by Yajnavalkya was imparted therein and represents a text between Visvarupa and Vijnanesvara. So the current text of the *Yajnavalkyasmriti*, is mainly the same from 700 A.D. A comparison of Yajnavalkya with Manu shows close agreement in phraseology between the two, the former usually trying to compress the latter's dicta. The style of the *Yajnavalkyasmriti* is flowing and direct, and its verses being hardly ever obscure and the whole of the text is written in the classical anustubh metre, there being not many un-Paninian expressions. Yajnavalkya represents a more advanced state of thought and differs from Manu on several points, e.g., (1) Manu allows a Brahmin to marry a Sudra girl, whereas Yajnavalkya does not do so, (2) Manu condemns niyoga but Yajnavalkya allows it and (3) Manu finds fault with gambling, while Yajnavalkya does not. Yajnavalkya is in intimate relation with White Yajuryeda and thus loosely agrees with the *Paraskaragrihyasutra*, meant for the Yajurvedins. As Visvarupa, his earliest commentator, flourished between 750 and 1000 A.D. and is necessarily separated from him by several centuries, so we shall not be far from the truth if we fix the probable date of Yajnavalkya between 100 B.C. and 300 A.D. Yajnavalkya regards, the sight of yellow-robed people as an evil omen (I. 273), which is probably a reference to the Buddhists, though he prescribes old yellow (*kasaya*) robes for the seeker after moksha (III. 157) and speaks of the founding of monasteries of Brahmins, learned in the Vedas (II. 185). The Philosophical doctrines in the *Yajnavalkyasmriti* (III. 64-205) approach the phase of the Vedanta that was taught by Sankara.

The topics dealt with by Yajnavalkya in chapter I are fourteen Vidyas; twenty expounders of Dharma, sources of Dharma; constitution of parishad, the *samskaras* from garbhadhana to marriage, *Upanayana*, its time and other details, daily duties of a *Brahmacharin*, persons fit to be taught, what things and actions a *Brahmacharin* has to avoid, period of studenthood; marriage, qualifications of a girl to be married, limits of sapinda relationship, intercaste marriages; the eight forms of marriage and the spiritual benefits therefrom, guardians for marriage, kshetraja son, grounds for supersession of wife, duties of wife; principal and intermediate castes, duties of a householder and keeping sacred domestic fire, the five great daily Yajnas; honouring a guest, *madhuparka*, grounds of precedence, rule of the road, principles and duties of the four varnas, ten principles of conduct common to all, means of subsistence of a householder and solemn Vedic sacrifices; duties of a snataka, days of cessation from study; rules about prohibited and allowed food and drink; rules about flesh-eating; purification of various materials, such as metal or wooden vessels; gifts, who is fittest to accept them, who should accept gifts, rewards of gifts, gifts of cows, rewards of other gifts, highest gift is knowledge; *Sraddha*, proper time for it, proper persons to be invited for it, unfit persons, the number of Brahmins to be invited, procedure of *Sraddha*, various *Sraddhas* such as *Parvana*, *Vriddhi Ekoddista*; *Sapindikarana*; what flesh to be offered at *Sraddha*, reward of offering Sraddhas, propitiatory ceremonies as regards Vinayaka and the nine grahas (or planets); rajadharma, king's qualifications, ministers, purohits, royal edicts, king's duties of protection, administration of justice, taxation and expenditure, allotment of the day to various duties, constitution of mandate, the four expedients, the six gunas, fate and human effort, impartiality in punishment; units of measure and weight, grades of fine, different kinds of punishment and the king's duty to inflict them on criminals.

The subjects Yajnavalkya deals in chapter II are: members of the hall of justice, judge, definition of Vyavaharapada, rules of procedure, plaint, reply, taking security, *indichia* of a false party or witness, conflict of Dharmasastra and *Arthasastra,* means of proof, documents, witnesses, possession title and possession, gradation of courts, fraud, minority and other grounds of invalidity, finding of goods; treasure-trove; debts, rates of interests, debts of joint family, what debts of father the son need not pay, devolution of debts; suretyship of three kinds, pledge; deposit; witnesses, their qualifications and disqualifications; administering oaths, punishments for perjury; documents; ordeals of balance, water, fire, poison and holy water; partition, time of it, wife's share on partition, partition after father's death, property not liable to partition, joint ownership of father and son; twelve kinds of sons, illegitimate son of Sudra, succession to a sonless man, reunion, exclusion; husband's power over wife's *stridhana,* boundary disputes, dispute between master and herdsman; sale without ownership; invalidity of gift, decision of sale; breach of contract of service; slavery by force; violation of conventions; non-payment of wages; gambling and prizefighting; abuse, defamation and slander; assault, hurt, etc., *sahasa;* partnership; theft; adultery; miscellaneous wrongs, review of judgement.

In Chapter III Yajnavalkya deals with the following topics: Cremation and burial; offering of water to various deceased persons; for whom no mourning was to be observed and no water was to be offered; periods of mourning for various persons; rules for mourners; impurity on birth instances of immediate purification on death or birth; means of purification, such as time, fire, ritual, mud etc.; rules of conduct and livelihood in distress; rules for a forest hermit; rules for a *yati,* how the individual soul is clothed in a body; various stages of the foetus, number of bones in the body, the various Organs

such as liver, spleen, etc.; the number of arteries and veins; reflection over Atman; use of music in the path of *Moksha*; how the originally pure Atman is born among impure surroundings; how some sinners are born as various kinds of animals or inanimate things; how a yogin attains immortality; three kinds of action due to Sattva, Rajas and Tamas; means of *Atmajnana; t*he two paths, one to immortality and the other to heaven; the various diseases from which sinners suffer; purpose of Prayaschittas; names of 21 hells; the five mortal sins and other acts similar to them; Upapatakas; Prayaschittas for Brahman murder or for killing other persons; Prayaschittas for drinking wine, for other moral and venial sins and for killing animals of various sorts; greater or lesser expiation according to time, place, age, ability, ostracising the non-conformist sinner; secret expiations; ten Yamas and Niyamas; Santapana, Mahasantapana, Taptakreehraparak, Chandrayana and other expiations; rewards for reading this Smriti.

We find from the above description of the contents of the three chapters of *Yajnavalkyasmriti* that though the author has for the first time made a clear-cut distinction between Achara, Vyavahara and Prayaschitta (i.e. custom, law proper and expiation), yet vivaha (i.e. marriage) and rajadharma (i.e. government and statecraft), though really belonging to Vyavahara (i.e. law proper), have been included by him in the chapter on Achara (i.e. custom). The obvious reason is that marriage, though creating a permament legal connection between a man and a woman as man and wife with the necessary liabilities of the husband to maintain his wife and children, born of the union and conferring concomitant rights on the wife and children to inherit their husband's or father's property, is one of the several Samskaras of a man's life and similarly the secular topics of rajadharma falls within the religious duty of a duly installed Kshatriya king to protect the life and property of his subjects. For the same reason, topics

such as the eulogy, classification and requisites of punishment have been included within the rajadharma portion of the Achara chapter (concluding verses 357-368), just preceding the Vyavahara chapter.

I shall now discuss the merits of *Yajnavalkyasmriti* and the influence of the *Mitakshara* on Hindu law.[1]

Clearer indications of the law and the administration of justice (of which glimpses are to be found in 'the drama *Mrichhakatika*, ascribed to Sudraka and most probably composed in the 4th century A.D.) in the age of the Guptas (350 to 700 A.D.) can be had from the law books, which were produced about that time. The two new Smritis, viz. those of Yajnavalkya and Parasara, produced in this period, put a more or less liberal interpretation on the ancient law and adapted it to the changing social conditions. Though inferior to the *Manusmriti*, from the point of view of name and traditional sacredness, the *Yajnavalkyasmriti*, is far superior to it from the practical point of view. It is well-known that the *Mitakshara* which is a commentary on the *Yajnavalkyasmriti* is recognised in the law courts of the whole of India except Bengal and Assam, where only the Dayabhaga of Jimutavahana prevails, even to this day, as the most authoritative text, embodying the tenets of Hindu law. There is sufficient ground to assume that the compiler Yajnavalkya was a contemporary of Chandragupta I and, perhaps, even of Samudragupta. It may be also presumed that this law-book, traditionally ascribed to the sage of Mithila, had received official recognition from the imperial rulers. In this the navalkyasmriti may be regarded as embodying the law of the Guptas as much as Kautilya's *Arthasastra* embodies the law of the Mauryas and the *Manusmriti* that of the Sungas; Several changes of a fundamental character

1. Adapted from Dr. R. N. Dandekar's paper on 'Some Aspects of the Gupta Civilization' in the P. K. Code Commemoration Volume, Pune 1969.

have been made by the author of the *Yajnavalkyasmriti* in the pre-existing theory and practice of law. For example, the ancient law of India, as has been taught in the *Manusmriti*, presents a queer mixture of secular and canonical law. It was a historical necessity of the Gupta period that the law proper should be separated from much other material which had overgrown it.

The first step in that direction was taken by the *Yajnavalkyasmriti* which makes a sharp division of law in three sections, namely Achara (or custom), Vyavahara (or law proper), and Prayaschitta (or penance). Out of these three, the first and the third belong to Dharma (canonical law), while Vyavahara alone constitutes the law proper. The *Yajnavalkyasmriti* prescribes law in a more or less clear-cut fashion by dividing it into so many sections. Even the style of the author is severe and straightforward, as, indeed, it ought to be in the case of law-books. The author of the Smriti puts greater stress on private law than on criminal law, which fact would clearly indicate that, in the days of the Guptas, the life of a private individual was becoming increasingly complex. The *Yajnavalkyasmriti* enumerates, in a very systematic manner, the. principles of the law of possession and occupation, (11.24-29), which is barely alluded to in the *Manusmriti*. Similar details are given in regard to deeds of debt, mortgages and their foreclosure, securities of various kinds, liability (II 37-63), distinction between inherited and self-earned property (II. 121) and right of representation (II.120b)[1]. A grandson by a predeceased son is entitled to inherit his father's property after the death of his grandfather, according to this right of representation. In the age of the Guptas, a very remarkable advance seems to have been made in the law of inheritance. A widow's and a daughter's claim to property came to be gradually but definitely recognised

1. Also recognised in the Shia Muhammadan Law.

(11.135). The law of inheritance, indicated by Kalidasa in the *Sakuntala* (Act VI), was presumably the older law, where a child in the womb of one of the widows of a ship-wrecked and dead merchant, Dhanamitra, was declared as the successor to his property in preference to the surviving widows. The provisions made by Yajnavalkya in that respect must have received the imperial sanction. A striking feature of the administration of justice under the Guptas was that all persons, irrespective of caste, property and position in society, were brought under the purview of the king's supreme law. No person was considered, under any circumstances, to be above law. The *Yajnavalkyasmriti* for instance, rejects the extravagant claims of the Brahmins, by virtue of which they enjoyed immunity from law to a certain extent. That Smriti further bestows upon the Sudra a proper legal personality. Most of the earlier repressive laws against him were abolished. Similarly, the age-old legal disabilities of women were being gradually set aside and laws about them were being brought in conformity with their social position, which had been, by that time, substantially raised in the matter of juridical procedure also the *Yajnavalkyasmriti* has prescribed more systematic rules (II. 5-21). It speaks of the four stages in a law suit, viz., plaint, reply, means of proof and judgment. No case was tried in camera. There was only one judge in the tribunal and he was appointed by the king. Though the judge was always Brahmin by caste, the condition, which was emphasised in the earlier Dharmasastra namely that even the assessors should be Brahmins, was discountenanced in the Gupta regime. The caste-wise priority in the matter of the hearing of which was allowed in former times, was also discontinued. We further know from the law-book of Yajnavalkya that the fanatical penances and the severe punishments, prescribed by the *Manusmriti* were considerably moderated in the days of the Guptas. Their administration of justice had on the whole become more kindly

and sympathetic. According to the *Yajnavalkyasmriti* in inflicting punishment the judge was expected to take into consideration the place and time of the offence, the age of the offender, the gravity of the actual offence and the capacity of the offender to pay (I. 366). Repeated offences were more severely punished. Improvements of a far-reaching character seem to have been made in the law of evidence under the Guptas. For the first time, special emphasis came to be laid on documentary evidence (II. 5-21). The Guptas thus seem to have generally encouraged progressive tendencies, at the same time seeing to it that they did not thereby offend against orthodox conservatism.

Another point to be noted in this connection pertains to charity. The imperial Guptas were renowned for the large number of their grants and endowments. As can be seen from the *Yajnavalkyasmriti*, there seems to have been a distinct philosophy underlying the charities of the Guptas. They founded several Agraharas, for the Brahmins all over the country, so that these selfless missionaries of Hindu culture should be enabled to carry on their work, in the remotest parts of the empire, without any financial anxieties to worry them. True charity is intended for securing economic independence for the votaries of culture without in any way undermining their independence in cultural matters. It was the ideal sponsored by the *Yajnavalkyasmriti* (I.6.), which guided Samudra Gupta, Chandra Gupta II, Vikramaditya and their successors and which eventually helped the propagation of Hindu culture in the Gupta empire. The particular emphasis, which the *Yajnavalkyasmriti* has put on the Varnasramadharma, would become easily understandable, when we take into account the active comminging of foreign tribes, which was a characteristic feature of the preceding period. It is this concept of Varnasramadharma, which has influenced the entire body of law as administered under the Guptas. Their aim has

always been to preserve intact the purity and the integrity of the Hindu society and culture.

The *Mitakshara* has been accepted by the modern Indian courts as an authority on Hindu law (of marriage, adoption, partition and inheritance) almost all over the country, as stated above. In the last century, when there were only four High Courts in the four corners of British India, viz., the Calcutta, Allahabad, Bombay and Madras High Courts, the authority of the *Mitakshara* was invoked and upheld principally by the last three High Courts, as the Calcutta High Court, haying its jurisdiction over Bengal and Assam, where the Dayabhaga of Jimutavahana, along with the Udvahatattva of Kaghunandana and the DattakaChandrika of Kubera, prevailed and not the *Mitakshara*, was guided by the three former works in matters of inheritance, marriage and adoption respectively. An interesting paper has recently been contributed, by Shri Yudhisthira, an advocate of the Allahabad High Court, to the Journal of the Ganganatha Jha Research Institute of Allahabad (Vol. XXIII, 1967, pp. 151-159), issued in March 1969), wherein the author has cited cases, decided in his High Court between 1866 and 1868, that is, more than a century ago in the very first period after its establishment—cases, which have invoked the authority of the *Yajnavalkyasmriti* along with the interpretations by the *Mitakshara* and upheld the findings of the latter, in matters pertaining to the Hindu law of inheritance and partition. Shri Yudhisthira has concluded his above paper with the following remarks:

"A hundred years have gone by. The propositions have come down to us without being materially affected. A hundred years have not added anything to them, have not made any difference. They have been followed by other High Courts in India and even the Privy Council has approved of them."

All medieval digest writers have employed the

definite chapter on Vyavahara of Yajnavalkya, wherein sober principles of law proper have been evolved, to their advantage in their works on inheritance and on other civil and criminal law topics. As regards inheritance, Manu simply says (IX. 187-8):

anantarah sapindad yas tasyatasyadhanain bhavet
ata urdhvam sakulyah syad acharyah sishyaeva va
sarvesham apyabhave tu brahmana rikthabhagiriah
traividyah suchayo dantas tatha dharmo na piyate

(That is, in the absence of son, grandson and great grandson the next Sapindas and then the next Sakulyas successively inherit and then the teacher and the pupil of the deceased person step into succession. All these persons failing, pure Brahmins, learned in the Vedas and having their senses controlled, get the property and propriety is thereby observed).

But Yajnavalkya after stating the son's right to effect a partition of their patrimony after their parents' death (II.117a), not only provides for the widowed mother by giving her an equal provisional share (II. 123b) but also makes provision for the marriage of the unmarried sisters by putting an obligation on the surviving sons to get them married out of the sons' own shares (11.124). Like Manu, Yajnavalkya also recognises the right of a grandson and great-grandson along with that of a son to inherit their ancestor's property, but the redeeming feature of the latter's prescription is that he is the first *smritikara* to recognise the principle of representation in the case of the surviving fatherless grandsons and fatherless and grandfatherless great grandsons, inheriting the property of their grandfather and great grandfather, respectively (11.120 b). These grandsons and great grandsons are to get their shares per stripes and not per capita. This principle of Hindu law is known as the doctrine of representation. It is prevalent in the Shia Muhammadan Law also. Yajnavalkya then sets out in a single verse (n.135) a full

list of successive heirs of a person, who has left no son, grandson or great grandson. This list has been followed by all the medieval digest-writers in the matter of inheritance. They have also followed him in other legal matters, such as judicial procedure along with ordeals. But the *Dandaviveka* of Vardhamana Upadhyaya, produced in Mithila in the 15th century and the only extant *nibandha* on criminal law, has utilized the *Yajnavalkyasmriti* along with the, *Mitakshara* on almost every fourth page of its text, consisting of 356 printed pages only, the quotations from *Yajnavalkyasmriti* being 119 in number. Almost all these quotations, with only four exceptions, have been traced to their sources. They are mainly from the vyavahara chapter, those from the Achara and Prayaschitta chapters being six and one only. The *Dandaviveka* has expressly stated in one of its concluding verses that it has utilized among the ancient authorities the two Smritis of Manu and Yajnavalkya along with their commentaries. So we find that not only the *Manusmriti* with its commentaries of Medhatithi, Govindaraja, Narayana Sarvajna and Kultuka Bhatta but also the *Yajnavalkyasmriti* with the commentary *Mitakshara* figures prominently among its quoted authorities.

We have said earlier that the philosophical doctrines in *Yajnavalkyasmriti* (111,64-205) approach the phase of the Vedanta that was taught by Sankara. Though Sankara flourished at the end of the 9th and the beginning of the 10th century, at least five centuries later than Yajnavalkya, yet he gave a great impetus to the Advaita Vedanta theory, by his learned commentary on the Brahmasutras of Badarayana, the founder of the Vedanta system and other philosophical works, in which he firmly established the twin principles of Advaitavada (Non-duality of Brahman and the Universe) and Mayavada (Illusions preventing our apprehension of this non-duality). Particularly, III-67, 69, 109, 119, 125 and 140-3a Yajnavalkya utilises in elucidating the philosophy of Atman (the Supreme Self),

the well-known examples of Ghatakasa (i.e. the portion of the atmosphere, enclosed within a jar) and of the reflection of the sun in water, the number of which is many in spite of the oneness of the sun (III. 144), of the various ornaments made from gold, of the spider spinning webs out of its own body (both in III. 147) and of the actor representing various parts (III. 162). All these illustrations frequently occur in Sankara's *Sariiakabhashya* (e.g. Ghatakasa on II. 1.14, spider on II. 1.25).

The *Yajnavalkyasmriti* stands in a very intimate relation to the White Yajurveda and the literature that clusters round it. Most of the Mantras quoted (in part or referred to by Yajnavalkya occur in the Rigveda as well as in the Vajasaneyasainhita (e.g. in *Yajnavalkyasmriti* X., 22, 24, 229, 230, 238, 239 and 247). But there are a few Mantras that do not occur in the Rigveda, but only in the Vajasaneyasamhita or other Samhitas. Some verses of the *Yajnavalkyasmriti* (III.191-197) are a paraphrase of certain passages of the *Brihadaranyaka Upanishad*, so much so that the very words of the latter are used throughout in the former, as a close comparison of both the works will show. Then again Yajnavalkya very closely agrees with the *Paraskaragrihyasutra*, It is only to be expected that the author of the *Yajanavalkyasmriti* was a student of the *White Yajurveda* and so the mantras of the *White Yajurveda* and *Grihyasutra* i.e. aphorisms to domestic rituals of the Sukla Yajurvedins, by Paraskara, were far more familiar to him than the other Vedas, Sutras, Smritis and other works.

Though Yajnavalkya styles himself (in I.I) as Yogisvara (i.e. the lord of the ascetics) and is so styled by the *Mitakshara* and other works, yet the Yogiyajnavalkya is a different works from the *Yajnavalkyasmriti* and existed probably prior to the latter work. This *Yogiyajnavalkya* has been published in 1951 as the *Brihadyogiyajnavalkyasmriti* from Lonavala (Pune district in Maharashtra). The present writer has discussed in detail its contents and their

utilisation in *nibandhas* in the corresponding chapter (pp. 11-13) and Appendix B. (pp. 56-57) of his *Studies* in *Dharmasastra*, published in 1964 by the Indian Studies: Past and Present, Calcutta. Yajnavalkya (in III. 110) claims the Yogasastra to be his own work. So either Yajnavalkya, the author of the Smriti, composed such a work or the author of the Smriti in order to glorify it claimed that he was the same as the author of a well-known Yogasastra, ascribed to Yajnavalkya. At all events the *Yogiyajnavalkya* existed certainly much earlier than 800 A.D., as Vachaspati Misra, who wrote his *Nyaya-suchinibandha* in 898 of the Vikrama era (841-42 A.D.) quotes a half-verse from the *Yogiyajnavalkya* (XII.5) in his commentary on 'the *Yogasutrabhasya*.

Another text variously called *Yogiyajnavalkya*, *Yajnavalkya Samhita* and Y.S. Upanishad has been in print, e.g. the text published as *Yogayajnavalkya* in Trivandrum SKL, Sec (No. 134). Of this, a critical edition based on the printed texts and fourteen manuscripts was brought out by Shri P. C. Diwanji for the Bombay Branch of the Royal Asiatic Society in 1954. This and the previously described *Brihadyogiyajnavalkya* are entirely different works, of which the latter is comparatively an early work, having been quoted by Vachaspati Misra of the 9th century, as stated above. As the former work contains numerous quotations from the *Bhagavadgita* and the *Manusmriti* and a few from the *Yajnavalkyasmriti* (the verse about the 14 vidyasthanas is the same in both, 1.1 in *Yajnavalkyasmriti*, so it must have been composed between 200 and 700 A.D,).

Brihadyogiyajnavalkya's position is that even a householder becomes free from worldly bondage by performing his duties, by contemplating on Atman and by knowledge of Vedanta, that the highest goal is reached by a combination of knowledge and action and that the view that Moksha (or the release from worldly bondage) results

from knowledge alone is a sign of indolence (XI-47 and IX.34 and 29). Apararka, a 12th century commentator of *Yajnavalkya* has quoted these three verses in his comments on his author (111.57 and 205).

KAUTILYA

G. Harihar Sastri

Kautilya and his *Arthasastra* had long been known to scholars from quotations by ancient authors, though the complete work was given to the world by Dr. Shama Sastri of Mysore in 1908. His edition of the work was based on a single manuscript obtained from a pandit of Tanjavur in Tamil Nadu.

A few copies of the work have since been unearthed in Kerala. An ancient text is subject to wear and tear, in the process of transmission through long centuries and the *Arthasastra* of Kautilya is no exception. Hence the exact text could not have come down to us in the form it left the hands of the author over two thousand years ago though it represents, no doubt, for the most part, his original teachings. The discovery of this text ushered in an era of "Kautilya philosophy", shedding fresh light on the social, economic and political institutions of ancient India. There has been some discussion among scholars in regard to the authenticity of the text and the author, but the consensus is that it is the genuine work of a Brahmin called Kautilya, otherwise known as Chanakya and Vishnugupta, who, according to tradition overthrew the Nanda dynasty and placed Chandragupta Maurya on the throne.

Several traditions have gathered round the figure of Kautilya: their manifold nature makes it difficult to sift a reliable account of his life. The tradition underlying the plot of the Sanskrit drama *Mudrarakshasa* is considered to

be very close to the original, and some incidents related in it and found in traditions appear to have grown out of facts. The common features of the Southern traditions are as follows: Kautilya was a native of Golla Vishaya, the hilly tract Kolli in the south. Having lost his father in childhood, he was brought up by his mother. She felt uneasy over his teeth which prophesied future kingship. The dutiful son smashed his teeth and left home for Takshasila, a famous centre of learning in the north-west of India. Endowed as he was with intellect as sharp as *Kusa* grass, Vishnugupta learned all the arts and sciences including the Arthasastras of ancient teachers and in due course became a great scholar. The Nanda kings in Patliputra were known for their patronage of art and learning and it is on account of this that Varsha, Upavarsha, Panini and other great teachers could establish their reputation in their court. In the hope of trying his fortune Kautilya hastened to the royal court and, ignorant of the court etiquette, occupied the seat which was usually meant for eminent scholars. This roused the wrath of the king who got the audacious stranger expelled by the court servants. Young Kautilya could not brook the insult offered to him. Brimming with the consciousness of his potential life, Kautilya swore that he would destroy the Nandas root and branch and left the court. While wandering through the country far and wide in search of a man who would help him in the realisation of his vow, he met Chandragupta of the Maurya clan whose throne had been usurped by the Nandas of Magadha. This event is historic in that it marked the meeting of two great men—an intellectual and a warrior.

Chandragupta had incurred the displeasure of the Nandas and had been banished by them. Kautilya observed the future greatness of sovereignty in him and allied himself with him. They two together started on their campaign against the Nandas, secured the alliance of the frontier forest chiefs and with their aid destroyed the

Nandas. Thus was Chandragupta reinstalled on the throne of Magadha by Kautilya.

Man exists because of *artha*, the *earth* inhabited by man. This *earth* is a source of other arthas, viz., gold, grain, cattle, goods and other comforts of life. As the earth inhabited by man is the most important *artha*, Kautilya defines the *Arthasastra* as the science dealing with the means of acquiring and protecting the earth inhabited by man. This definition, by implication, covers the whole range of state activities. The ancient name of the Arthasastra is *dundaniti*, which is said to have been created by God for the protection of the world. Danda is derived from the root *dam*, to *restrain*; it is a complex term conveying political concept of ancient India. To translate Danda by an exact equivalent in English is difficult, if not impossible, and this is the case with several other political terms used in ancient India, in the context of politics and administration, Danda denotes discipline, restraint, chastisement, coercion, punishment, justice, army and so on. Kautilya interprets Danda as a means to the attainment and preservation of the three sciences, namely, philosophy, Vedas and economics; in other words Danda ensures the spiritual, intellectual and material well-being of man and the judicious exercise of Danda is *dandaniti*, having for its purpose acquiring the unacquired, preserving what has been acquired,.enlarging what has been preserved and distributing what has grown among worthy recipients. "I am Danda among chastisers and the *niti*, the righteous policy of the aspiring conquerors;" says the Lord in the *Bhagavadgita*. Danda is neither *rod* nor *sceptre*, a symbol of sovereignty as in the west, nor is *dandaniti* the law of punishment or the science of government as is generally regarded, for no king is known to have borne a staff in his coronation ceremony and a 'rod of empire' has no historical association in India.

The *Arthasastra* is composed in the form of brief statements or Sutras followed by their explanations and elucidations. It comprises 15 books, 150 sections and 180 chapters. The brief statements are enumerated in the first chapter and each chapter, from the second onward, deals with one or more of these brief statements with sufficient details, and ends with a sloka or slokas. The first-five books describe internal administration, the next eight foreign relations, the fourteenth and fifteenth secret practice and the plan of the work, respectively.

Vinaya, or discipline of the princes, is explained in the first book. A prince is trained under specialised teachers in the four traditional sciences, which impart discipline to him. He is required to be in constant touch with the learned elders, which tends to promote his discipline. His discipline becomes perfect, when he is able to control his senses, his six inner enemies, by eschewing lust, anger, greed, pride, arrogance and foolhardiness. He should appoint a purohita of eminent character and attainments and follow him, as a pupil follows his teacher, a son his father, or a servant his master. As a further safeguard against his inner foes, he should have teachers and ministers who would check him when he evinces inclination to stray away from the path of duty and righteousness. Kautilya begins his work with the statement, "here are the instructions for a king in regard to his conduct", and adds that the practice of his instructions enables a prince to keep his senses under control and make him a proper ruler. It is on account of this that this work has been rightly compared by Western writers to *del Principe* (the Prince)—the text-book of statecraft by the Florentine political philosopher, Niccolo Machiavelli.

Rulership is not possible without proper assistance as no cart moves on a single wheel; the king should appoint ministers, councillors and other officials after

testing their character and ability to work. He cannot protect his kingdom unless he is protected. He should keep constant vigil for the safety of his persons in his dealings with unruly sons, in the enjoyment of pleasure in the harem, in the routine of his day-to-day life.

The second is the most important book and a body of literature in itself. It describes the duties of the executive officers of the State, giving information on the formation of new villages, the distribution of unarable lands, the building of forts, settlement of State revenue, financial administration, the composition of royal writs, State granary, mining, metals, industrial establishments, the standardisation of weights and measures, agriculture, textiles, the institution of courtesans, control of liquor, trade and gambling, navigation, cattle breeding, horses, elephants, chariots, passports and on the administration of collectors and the city superintendent.

The laws of Kautilya are given in the third book. They are earlier, more comprehensive and practical than those in the *Smritis* of Manu, Yajnavalkya and Narada. The fourth book is devoted to the protection of people from deceitful artisans, traders, dacoits and other unsocial elements and remedial measures against national calamities. Secret methods to get rid of treacherous ministers, replenishment of a depleted treasury, payment of salaries to Government servants, the conduct of State employees and courtiers and continuous sovereignty are dealt with in the fifth book. The sixth and the seventh books deal with the seven constituent elements of the State and the six measures to be adopted in relation to foreign powers. The eighth and the ninth books treat of Vyasanas of calamities of the seven constituent elements, the precautions to be taken and the preparation to be made before starting on an expedition of conquest. The eleventh deals with the methods of 'sowing dissension with a view to keeping *sanghas or digarchies* under control; the twelfth, with the conduct of a weak king towards the

powerful; and the thirteenth with the stratagems to be used in capturing an enemy fort.

The science of polity in ancient India presupposes the social order of the Varnasrama Dharma. The social order, being the outcome of centuries of profound thought and carefully recorded experience, was believed to have held the society together and given it stability. A man doing his own duty imposes discipline on himself, and governs his own conduct and his relationship with his fellow citizens. The duty of the ruler is to see that each man does this duty which is; by virtue of his innate nature, his own dharma and that he is not interfered with by others. Any meddling with the social order, was thought to be fraught with grave consequences.

Brahmins served the State by means, their counsel, mantra. "Kshatriya power, animated by the counsel of Brahmins wins bloodless victory" says Kautilya. They were, as a rule, custodians of the spiritual values of life. They had been ministering to the religious and intellectual instincts of the people and enjoying certain privileges and concessions reserved for them from the remote past. As a follower of the precedents, Kautilya recommends that, in the newly formed villages, Srotriyas or learned Brahmins along with priests, preceptors and chaplains shall be granted lands, free from free-labour and tax and that the grant shall be inherited by their worthy heirs. In the context of inheritance, it is also stated that the heirless property of a learned Brahmin shall not be escheat but go to those learned in the three Vedas. A Brahmin is exempted from payment at ferries and allowed to take part in popular entertainments without payment of contributions*. He is believed to be an adherent of truth and Brahmin witnesses in a court of law are asked to swear by truth. A Brahmin offender is not subjected to corporal punishment, but is given a more painful and humiliating punishment: he is banished from

the kingdom or sent to work in mines, after proclaiming his crime in public and brandishing his forehead with a mark proclaiming his guilt. For covetting the kingdom, outraging the royal harem, instigating wild tribes against the king and other grave crimes, a Brahmin is put in the dungeon, but not put to death.

A Sudra was below a Vaisya, in social order, but had equal footing in the pursuit of agriculture, cattle-breeding and trade, while art, crafts, dancing, etc., were his own occupations. Kautilya lays down that Sudras, who are tillers of soil, should be the major population in the newly formed villages in the State. The mixed communities were classed with Sudras in the matter of following customs and avocations, while Chandalas, outside the pale of Aryan society, lived in the extremity of the city and the State.

Along with the rise of monastic sects during the time of the Buddha, there was an upheaval of ascetic sects among the Vedic order. There was no restriction for a male or female to become an ascetic among Brahmin and other classes. The people had high regard for asceticism in general and treated the ascetics with pious hospitality. As asceticism provides an easy means of livelihood, the lazy and the frivolous took shelter under it. Kautilya lays down severe punishment to a householder who embraces asceticism without providing for his family, whose sexual urges are not extinct in him and who has not obtained permission of judges. Anyone who converts a woman to asceticism is also similarly punished and all sham ascetics are brought to book.

Non-Vedic ascetics, known as *pashandas*, comprised numerous divisions differing from one another in dress, beliefs and in social status. Certain sections of *pashandas* were treated with equal courtesy and respect with the Brahmanical ascetics. These were wandering ascetics among the Vedic and non-Vedic orders. They lived in

large open ground causing trouble to one another; Kautilya asks them to put up with small troubles and accommodate one another, lest they be driven out. Hermits, ascetics, students (brahmacharis) as well as poor innocent *pashandas* who happen to pay fines in legal disputes are required to observe penance, fast and worship, in accordance with their religious practices, for the prosperity of the State.

There was no slavery in India as it is understood in the West. There were dasas who were dependants and domestic servants, who redeemed themselves by repayment of their debt. Kautilya distinctly says that no Aryan could be a dasa (*natveva Aryasya dasabhavah*) and lays down punishment for the sale of Aryan children.

The laws of Kautilya in regard to marriage and marital relations are more comprehensive and liberal than those of Manu, Yajnavalkya, Narada and other Smriti writers. He allows under certain circumstances remarriage, dissolution of marriage and *niyoga* and under State supervision drink, gambling and the institution of courtesan, for reasons of finance and as aids to detect crimes.

The State, as described by Kautilya, was essentially a monarchy; hereditary under normal circumstances. He also deals with republican and oligarchical forms of Government and suggests methods for bringing them under some sort of political unity.

In the Vedic period, a *samiti* (Assembly) formed the core of the local government. The term *parishad-vala* (the King in Council) of Panini shows that the king, was inseparably connected with the Parishad, a political institution. From the description of mantri-parishad by Kautilya, we understand that it is "a well-established institution, invested with definite constitutional powers, in relation to the king and the business of the State". There is to be no State undertaking without previous

deliberation in a council of ministers. The king consults his ministers individually and collectively, chooses the best counsel, *matipraveka*, and puts it into practice without losing time. In urgent matters he follows what the majority among the councillors declares and what, in his opinion, is conducive to the successful accomplishment of the business on hand, Karya-Siddhi-Karam va; it should be noted here Kautilya uses va to mean a conjunction and not an alternative. Thus the underlying principle of the monarchy, as conceived by Kautilya, would appear to represent the highest common measure of the highest intelligence of the highest people. Among the seven *Prakritis*, the elements that constitute the State, namely, the king, the minister, the country (inhabited by people), the treasury, the fort, the army and the ally, the first element figures as the most prominent. The king and his sovereignty are said to be the sum total of all the constituents of the State. In the organic conception of the State, however, each element is as much concerned with the well-being of the other, as with the whole. Kautilya raises his king to a high pitch of excellence endowing him with a large number of qualities that tend to make him an Atmayan—a master of himself—a synthesis of sovereignty and spirituality. The king, so endowed, brings the other constitutents not so endowed to his own level. He sets standards to his people to follow. He has no interest, apart form that of his subjects. "Their happiness is his happiness; their sorrow, his sorrow." There is to be a relationship of perfect confidence between the ruler and the ruled. The "king" in English means a chief or leader; while "rajan" in Sanskrit means one pleasing to all. The king is responsible to the people for their protection as well as the security of their life and property; and the tax he receives is the remuneration paid to him for this service which he renders to his people.

Kautilya knows that power placed in any human-being, invariably corrupts his nature and temperament.

Hence he warns the king of ungoverned senses and perverted disposition with the dire consequences of vitiating the other constitutents, and ultimately being killed by his own people or falling a prey to his enemies. This idea reminds us of Lord Acton's well-known maxim, "Power corrupts, absolute power corrupts absolutely". The aim of *Vijigisu*, an aspiring conqueror, should not be to eliminate other political powers of divergent interests and ideologies by putting one against the other, but he should rise above their differences, string them together and make them into a united and harmonious whole called *Ekaisvarya*, attributed to godhood by our national poets.

Dr. Vincent Smith calls the Mauryan system a highly centralised form of bureaucracy. But in reality democratic elements were visible in it. The scheme of administration is to build up on the existing foundation. The king is to be assisted by a group of eighteen functionaries traditionally known as *mahamatras* and *tirthas*. Most of them are executive officers, controlling the entire field of social, economic and political activities in the State. The word *mahamatra* denotes a high dignitary. The *mahamatra* order represents different administrative grades and social order including the non-Aryan hill tribes. They had a separate court of law, where they examined *mahamatra* offenders: Megasthenes's "Episkopi", overseers, who enquired into and superintended all that took place in India and made a report to the king, appear to be the same as the *mahamatra*, who according to Kautilya, intervened in all State affairs and reported to the king the consensus of their opinion about the impartial discharge of duty by their subordinate officers. During the time of Kautilya, they were a power causing concern to the State, and harsh measures are recommended to suppress the seditious among them summarily. The eighteen *mahamatras* mentioned in the text are:

Mantrin : the minister

Purohita : the chaplain

Senapati : the commander-in-chief

Yuvaraja : the crown prince

Dauvarika : the palace usher

Antarvamsika : the officer-in-charge of the royal harem

Prasasta : the minister-in-charge of encampment

Samaharta : the administrative head of the country and collector of revenue

Sannidhata : the director of stores

Pradesta : the magistrate

Nayaka : the Commandant

Pauravyavaharika: the judge

Karmnantika : the chief architect

Mantriparishad-Adhyaksha : the head of the council of ministers.

Dandapala : the chief army officer

Durgapala : the officer-in-charge of the fort

Antapala : the officer-in-charge of the frontier fort

Atavika : the chief of the forest tribes.

Sannidhata, also called Bhandagarika, is the minister in charge of State revenue and stores (the Chancellor of the Exchequer). He figures as the fourth highest officer in the Buddhist republican states. He is to supervise, among other duties, the treasury, accounts, the industrial establishments, granary, trade, forestry and armoury. He is required to be conversant with the receipt, expenditure, and the balance of the State. The Samaharta sets up sources of revenue, collects the revenue of the State, and with the help of big staff register, maintains information uptodate about the inhabitants, their occupation, resources in land and cattle, their expenditure and so on, in each village and city. Under the supervision of the two

ministers, there are some thirty Adhyakshas or superintendents of various departments working in company with accountants, writers, coin examiners and receivers of balances.

Durgapala or Nagarika is the officer-in-charge of law and order, sanitation, prison and so on, in the fortified capital. In the *Sakuntala* of Kalidasa, Nagarika figures as the brother-in-law of the king and the chief police officer. There are four Antapalas each one guarding the four frontier forts, the intervening regions being guarded by the wild tribes. These forts serve the purpose of gates of the State, one at the extremity of each quarter. Antapalas supervise the entry into and exit from of men and issue passes to the incoming goods charging them and road cess. They are paid a salary equal to that of a judge. Atavikas or Atavis seem to be the chiefs of forest tribes entrenched in the jungles or forests of Atavirajya. These tribes are said to be a well-organised brave autonomous people and interested in plunder. They are called *isvaras* claiming polite reference in the royal writs addressed to them. As Antapals and Atavikas occupy strategic positions, they form a source of danger to the State; Kautilya seems to have ranked them as the last two *mahamatras*, with a view to ensuring their loyalty.

Dauvarika and Antarvamiska are the same as Antaramatyas or inner ministers. They ate high officers in the palace and are in personal attendance on the King.

Lekhaka is rendered as Sasanadhyaksha, the superintendent of royal writs; as the entire administrative machinery turns on the pivot of royal writs, he seems to be an important executive officer in the State. It may be noted here that Olai-Nayaka, a Tamil rendering of Sasanadhyaksha, was the designation of the chief secretary in the Government of the Cholas. The text of the *Arthasastra* does not deal with the functions assigned to other *mahamatras* in the State.

The officers of the highest, the middling and the lowest order are selected on the merits of their qualifications. Then they are secretly tested in regard to their mental attitude towards piety, lucre, lust and fear; those who come out successful in the test of piety are appointed judges and magistrates. Those who pass the monetary test are taken in the Revenue Department; those who are proof against lust are taken to the outer and inner divisions of the king's harem; those who stand the test of fear are absorbed in the personal service of the king; and those who get through all the tests are employed as Councillors. The officers taken to the Revenue Departments are, however, further examined in practical work, placed on probation under the supervision of the officers called Utaradhyakshas and after a service of proved honesty, loyalty and devotion made permanent in their offices, *nityadhikarah*.

Kautilya mentions two separate courts in regard to the administration of justice, viz. Dharmasthiya and Kanta-kasodhana. The former is presided over by a panel of three Dharmasaths or judges. It is generally concerned with civil litigation, and judicial decision is based on Dharma, (canon law), Vyavahara, (procedural law), Charitfa (usage), in the order of receding importance, failing on these three, on Rajasasana or royal decree based on Nyaya (justice) evolved on principles of reason promoting social righteousness. Kantakasodhana or the suppression of anti-social elements deals with the crimes of people and of Government servants in relation to their official duties. It is administered by a panel of three Pradeshtas, magistrates, assisted by secret agents, employed for detection of crimes; and punishments are given generally in accordance with regulations laid down in the text. It is said that the criminal law in the *Arthasastra* of Kautilya is characterised by uncompromising sternness and slight regard for human life. This view is, however, inconsistant with the statement of

Kautilya that the just exercise of Danda ensures safety and security of all human beings, *pranabhritam yogakshemavaha*. He devotes a separate chapter for commutation of all forms of corporal punishment with the exception of punishment by death on payment of money, and lays down that the magistrate remaining neutral between the interest of the State and of the people shall determine the amount of fines after taking into consideration factors such as the social status of the offender, the nature and motive of the offence, its present and future effects, its time and place. He further adds that harsh forms of punishment are laid down in the Sastras of great teachers and that simple forms of punishment alone are lawful in the case of ordinary crimes.

The Mauryan polity had a long tradition before Kautilya. His *Arthasastra* is a summary, criticism and improvement of the previous treatises on the subject. His work was popular for many centuries in the past, it has given rise to the production of many commentaries on it. The concepts and expressions of Kautilya have got woven into the texture of ancient inscriptions and in literary and scientific texts of Sanskrit and Prakrit literature. The *Arthasastra* was more widely received in the extreme south, it has a Tamil-Malayalam commentary written seven or eight centuies ago, and Kautilyan terms such as Vyaji (a tax) and panya-gram (gift or present) are current even today as 'vasi' and 'paniyaram' among Tamilians.

Kautilya was a great political thinker and his strong virile personality is observed throughout the thoughts and expressions in the *Arthasastra*. The text is apparently simple, but it is intricate and sometimes difficult for us to understand. However, the indefatigable labours of "Kautilya-scholars" have thrown fresh light on many problems concerning the political, economic and social conditions of ancient India.

The name of the author of the *Arthasastra* is now accepted as Kautilya, though the southern traditions persist in calling him Kautalya. Rakshasa, a character in the drama *Mudraraksasa* describes Kautalya, his adversary, as Kutilamati, (crooked-minded) and for the sake of alliteration calls him Kautilya (crookedness), instead of Kautalya and his name came to be written as Kautilya. The author had his peregrinations throughout the country in search of a person whom he could place on the throne of the Nandas and he had ample opportunities of acquainting himself with the political problems that were confronting the world at that time. It is probable that he wrote his work during his period. Some modern scholars are in search of finding clues in the work, with a view to solving problems facing the modern world. However, patient work and intensive research of the text will have much more in store for us in that direction, Kautilya's advice to the king was the golden mean of reconciliation of expediency and theory favourable for social righteousness. Whatever its value for us living today in the age of advanced development of science and technology, one great merit of this work lies in that it bestows on us the right of having possessed in our ancient past, a work on statecraft, which when compared to the Prince of Machiavelli, is on many grounds far superior in quality and far larger in content.

VATSYAYANA

G. S. Pendse

Vatsyayana stands out prominently in the history of Indian culture as the author of the *Kamasutra*. In fact, the work and the author are so intimately associated with each other that one immediately reminds us of the other. The real and less known name of Vatsyayana is Mallanaga. Yasodhara[1] mentions this name in his well-known commentary on the *Kamasutra* called the *Jayamangala*. Vatsyayana, therefore, is his gotra or family line. The name Vatsyayana also appears as an author of the commentary on *Nyayasutra*, another important treatise in the field of Indian logic. The author of the commentary on *Nyayasutra* and the author of *Kamasutra* are most probably two different persons.[2]

Vatsyayana is an authority on Kama just as Manu is on dharma. The personal life of our Vatsyayana is as much shrouded in mystery as that of Manu or for that matter, most of the eminent authors of ancient India.

Many erudite studies on this author and his famous work have appeared. It appears that there were many authors on Kamasastra before Vatsyayana, although this is the only authoritative treatise on Kamasastra extant

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1. Commentary of Yashodhara on *Kamasutra, Adhikarana 'Adhyaya'* introduction:
   Acharya Mallanga sastramidam pranitara (This science was elaborated by Acharya Mallanga).
2. Chakladar, H, *Social life in Ancient India*, p. 26, 1954 Jha, Ganganath, *Gautama Nyayasutra* Introduction, p. viii.

now. He himself quotes many previous writers on the subject—Nandin Svetaketu, Babhravya, Dattaka, Gonardiya, Kuchumara, Ghotakamukha and Gonikaputra. Some of them were also specialists in some of the branches of this subject. Svetaketu can be taken as the first great social reformer in matters of ethical behaviour in sexual relationships.

Babhravyas's treatise, however, is treated by Vatsyayana as an Agama. He admits that this treatise forms the background of his own work. Babhravya belonged to the part of India known as Panchala, where the science of erotics was specially cultivated, simultaneously with the systematisation and exhaustive study of Rigveda. The treatises of most of these previous authors, referred to by Vatsyayana, are now lost to us. He is the only ancient author who has survived the ravages of time.

The author of the *Kamasutra* appears to have been a person of sound principles of life and behaviour. Strange as it may appear, Vatsyayana probably led a life of celibacy. He emphasises, without any ambiguity, that his work is a result of a celibate life of great austerity. Nothing much is known about him except his name and gotra.

Vatsyayana has extensive knowledge about the customs and sex practices followed in different parts of the Indian sub-continent. However, the descriptions of the practices in provinces like Avanti, Malwa, Aparantaka, Saurashtra, Maharashtra and Andhra or western and southern India are much more vivid and detailed than of those in other parts.

Many authors have discussed the date of Vatsyayana on the basis of external and internal evidence. The *Kamasutra* is presupposed in Sanskrit poetry and drama. It is observed that there is a "wonderful agreement" between the *Kamasutra* of Vatsyayana and Apastamba's

Kalpasutra. Many similarities between the *Arthasastra* of Kautilya and Patanjali's *Mahabhashya* on the one hand and the *Kamasutra* on the other would make one believe that the author of *Kamasutra* lived some time about the 2nd century B.C. The wide and deep acquaintance of poet Kalidasa with the *Kamasutra* and the physician Vagbhata's acquaintance with it shows that the author of the *Kamasutra* lived definitely before the 4th century A.D. Chakladar[1] examines all these data in detail and comes to the conclusion that Vatsyayana lived and composed his treatise about the middle of the 3rd century A.D.

It should be noted here that the author of the *kamasutra* flourished in the period of great material prosperity in the history of India. He describes the typical life of a *nagarika* or a citizen, who is depicted as a man of fashion and taste with all kinds of luxuries abound him. The life of a *nagarika* is full of many expensive routines, ranging from sports, festivals, trips, garden parties, dramatic performances and pursuit of fine arts, upto the friendship of a *ganika* or an accomplished lady artist in the city. The economic prosperity of India is very well reflected in the life of a *nagarika*. The literature of the time is also corroborative of this fact.

During this period, India was carrying on a good deal of trade with China in the East and Greece and Rome in the West. This period was also marked by the advancement of arts and crafts as well as by other intellectual and aesthetic activities, like philosophy, logic, poetry and the arts. It was in this period that Mahayana Buddhism also grew and spread widely beyond India. Nagarjuna and his school of logic belonged to this age. Orthodox schools of philosophy were also activised and many commentators appeared on the literary scene.

Vatsyayana deals with one aspect of human life and

1. Chakladar H., Social Life in Ancient India, p. 29, 1954

treats that aspect exhaustively, befitting a thorough logician and a social scientist. He points out clearly that a Sastra must deal with the subject as a whole and it does not mean in the least that all the strange acts described are meant for practice. He asserts that they are not described from the point of view of fanning the flames of desire but only from the view-point of completing the whole survey of variations in this respect.

The development of arts and crafts can be seen from the sixty-four fundamental arts described by Vatsyayana as accomplishments of men and women. They include, singing, playing on different instruments, dancing, painting, reading, dramatic art, poetic compositions, knowledge of different languages, cookery, knowledge of ornaments, internal decoration of the house, etc., as well as many arts related to love and required during the sexual activities of man and woman. Vatsyayana advises that man should acquire this knowledge during his leisure hours during the same period when he acquires the knowledge concerned with Dharma and Artha. The girls naturally have to learn this Sastra from other elderly ladies of their own confidence, such as Aunts, aged nurses or closest friends. There are also the sixty-four arts or acts comprising sexual activities, in addition to the sixty-four arts and crafts which add to the accomplishments of men and women. A lady accomplished in these arts is more attractive and pleasing to her husband. A man with these arts also becomes more attractive to a woman. In the case of rich people, such as daughters of kings, who have often to face social rivals, they can face these situations better and more effectively. A Vesya or courtesan who has these accomplishments and follows the proper conduct, achieves the respectable position of a Ganika in society.

The entire *Kamasutra* of Vatsyayana is divided into seven main parts, known as Adhikaranas. Each Adhikarana is again divided into chapters or Adhyayas. Each Adhyaya deals with a separate topic. The first

Adhikarana for example, consists of five chapters in which there are several general observations on the subject. The main topics in this Adhikarana are concerned with the introduction to the subject, its relation to Dharmasastra, its place in the plan and philosophy of the four Purusharthas or objects of human endeavour, the necessity of its learning and the behaviour-pattern of a cultured man of the town. This Adhikarana is, therefore, called general or sadharana. The Second Adhikarana, called Samprayogika, consists of ten Adhyayas which are devoted to the actual behaviour of men and women during sexual activities. The third Adhikarana under the title, Kanyasamprayuktaka contains five Adhyayas and is devoted to the approach to a kanya (a maiden) in marriage and the ways of securing a bride. It deals with the various prevailing practices of marriage, brahma, prajapatya, daiva, rakshasa, paishacha, etc., with a clear defence for gandharva or love-marriage. The fourth Adhikarana is known as Bharya Adhikarana and is concerned mainly with the family organisation, both monogamous and bigamous. It also includes the state of affairs of a punarbhu or a widow. The fifth Adhikarana deals with extra-marital relationships under the title Paradarika. It contains six Adhyayas and includes important information regarding the practices of sexual luxuries amongst the rich, high officials and kings in various parts of India. The sixth is called Vaisika, consisting of six chapters, devoted to the courtesans and prostitutes. The main subject matter of *Kamasutra* is completed with the sixth Adhikarana. It is worth noting that the commentary also ends here. It is not known whether this commentary existed only for six Adhikaranas or for the further text of the seventh Adhikarana and is now lost to us.

The seventh Adhikarana actually starts with a Sutra, which states that the *Kamasutra* has been narrated so far. The seventh Adhikarana is named as Aupanishadika, a

term derived from the word Upanishad, meaning secret knowlege. Such knowledge is necessary when one is unable to secure the erotic pleasures of satisfaction, owing to many physical or mental conditions. Many secret medical remedies for *Vajikarana* or to attain the necessary sex-virility, *Vasikarana* or to win the girl you love and many other procedures are described here. It is also specifically mentioned that a number of such secret procedures exist and they may be referred to in *Ayurveda*, *Veda* or *Vidyntantra,* respectively. This Adhikarana appears to have been compiled by the author after consulting all the relevant literature on this subject as well as consulting elderly and learned persons. It has not received much attention from scholars so far and needs to be closely studied from the medical point of view.

The entire subject-matter of this treatise, divided into seven Adhikaranas, can be classified into three main categories.

The first and the foremost is concerned with Kama as a Purushartha. The basic cultural concept in ancient Indian culture is *Chaturvidha* Purushartha in which Kama forms the third important Purushartha of life. The concept of *Dharmakama* or satisfaction of Kama according to Dharma is exhaustively dealt with by Vatsyayana in the first, third and fourth Adhikaranas with additional emphasis on it, while describing other irregularities of sexual behaviour.

The second category consists of equally important portions concerned with erotics. All the factors in love-making, leading up to orgasm are squarely discussed in this Adhikarana.

The third category consists of the portions of *Kamasutra* which deal with many irregularities of sexual life, such as extra-marital relationships and prostitution. The fifth and the sixth Adhikaranas are chiefly concerned with these subjects.

The seventh Adhikarana is really like an appendix, which includes the subject of secret remedies as mentioned above.

The term Kama is used by us as it is, since to translate Kama as love or erotics is like translating Dharma as religion. The entire concept of such terms is not conveyed by simple English terms such as love or erotics. The definition of Kama[1] as given by Vatsyayana is comprehensive. It is described as general or samanya and special or pradhana or visesa. The concept is of high physiological and psychological significance. General Kama here is defined as a natural attitude created by favourable inclinations towards the different sensual pleasures of the five physiological sense-organs and when these sensations arise with the basic association between the mind and the soul.

The special or pradhana Kama[2] is naturally characterised by a special sense of touch or sexual intercourse with a fruitful termination in orgasm.

In the definition of Samanya Kama, Kama is regarded as a natural instinct in the first instance. This is manifested in human behaviour as a pursuit of pleasure sensations. They are experienced through the five sense-organs, viz., eyes, ears, skin, tongue and nose. These sense-organs are concerned with vision, sound, touch, taste and smell. The prominent roles played by fragrances, favourable glances, enchanting music, body touch in the matter of sexual stimulation are well known. In fact, these accessories of sexual stimulation are highly complementary as a background to achieve the maximum

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1. *Kamasutra*—Adhi, 1/Adhyaya 2, 12:
stotratvakochakshurjihvadhrananam atmasarnyuktena manasadhishtitanam sveshu sveshu vishayeshu anukulyatah.
2. Ibid 1/2/12:
sparsaviseshavishayatvasyabhimanika sukhanuvidha phalavatyarthapratitih pradhanyat kamah.

pleasure in the activities of Kama. This broad concept of Kama covers the wide range of very intricate types of human behaviour, based on the fundamental nature of sex instinct in humans. Further, no pleasure sensations can arise by the mere presence of objects of pleasure, coexisting with these five sense-organs. Individual life comprises both body and mind. The association of mind provides a platform on which the physical body performs its drama with the help of the five sense-organs.

Vatsyayana proceeds with his subject just as any scientific writer does. In the first instance, he summarises the entire previous literature on the subject The merits and demerits of each previous author are pointed out. He approaches the subject with the clear objective of presenting the entire science of Kama in a short treatise, since many previous treatises are either highly specialised in the different branches of *Kamasastra* or they are highly dialatory.

Secondly, his attitude in giving various descriptions of the facts as they stand is completely unbiased as befits a scientific approach. Vatsyayana himself states that he cannot be swayed by emotions, but has to view the whole subject as a social scientist, who observes the prevailing practices and analyses them in the light of Dharma, Artha and Kama, which are the basic Indian concepts in the interest of social stability.[1] He, therefore, gives facts and analyses them. For example, he analyses the causes of bigamy[2] in clear terms. Man usually seeks another marriage, when some of the following causes exist in a woman: (1) dullness and lack of understanding; (2) want

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1. *Kamasutra*—Adhi. 7/Adhyaya 2, 51:
   Dharmamartham cha kamam cha pratyayam lokamevacha Pasyatyetasya tatvajnana cha ragapravartane.
2. *Kamasutra*—Adhi 4 Adhyaya, 2, 1:
   jadyadausilya daurbhagyebhyah prajamutpatterabhi kshenyena darikot-patternayakac hapalalva sapatnyadhivedanam...

of character or faithlessness; (3) absolute infertility, (4) continuous occurrence of female births. In addition, a man with a fickle mind, who constantly seeks new sexual pleasure, is bound to seek, a new woman even if he finds no fault in his own wife. In another place, he states a very important fact in most unambiguous terms that Kama is as important and is quite comparable to food, required for the nourishment of the human body-mind and he adds that it is the real fruitful end of Dharma and Artha[1]. He accepts prostitution as a natural inevitable evil, at any time and in any society.

The different sex behaviours amongst the rich in different parts of the country, the causes and cures of adultery in any society, monogamy and bigamy are all depicted by him as an impartial observer.

Another important fact, which shows his attitude as a scientist, is the proper classification of the facts observed. He has classified types of women, types of men, types of families and types of sexual behaviour and also the variations in different parts of this country.

Vatsyayana has thus put up a very systematic effort in presenting a complicated and delicate subject like sex. He himself has stated in the end that the study of this Sastra cannot be undertaken by those who are led away by passions. He feels that those who scientifically study the subject should gain more control on their own passions and emotions.

The Indian Sastras, in framing the rules of life, had a definite aim and a clear objective in mind as embodied in the sacred precepts. As such, for any person, who meets a crossroad in his way of life, a clear direction was available from them on the mode of action he should follow. They

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1. *Ibid.* Adhi. 1/Adhyaya 2, 37
Sarirasthitihetutvat dharasadharmana hi kamah phalabhutah cha dharmarthayoh.

had correct valuations of the different instincts and emotions of the human being and a deep knowledge about the difficulties of life and society. They knew the individual aspirations on the one hand and social needs on the other. With full understanding of all these different aspects of life and soceity, they evolved a theory of life which was the basic philosophy of life in India. The four Purusharthas consist of Dharma, Artha, Kama and Moksha. Dharma[1] in addition to its usual meaning of religious belief, is the mode of stablisation of the constantly changing life and is responsible for the welfare and prosperity of life in this world and also for its good in the next. Such a comprehensive and all-pervading concept of Dharma cannot be translated by a word like religion. It is a peculiarity of Indian culture alone. It may not be an exaggeration to state that such a wide and comprehensive concept of Dharma has not arisen on any other soil except that of India. The term Artha included, in addition to the modes of earning wealth, all the activities on the material phase of existence. The term Kama, as pointed out before, is divided into general and special and in its broadest sense includes all human attitudes to seek sensual pleasures. Self-realisation is the fourth. It is unnecessary to dilate here on this fourth Purushartha. But it should be mentioned that the Self-realisation[2] or Atmalabha has been considered to be the highest achievement in this life. Suffice it to state here that this valuation has been responsible for the orientation of the whole outlook on life in Indian culture. The practice of all the three Purusharthas in the proper periods of life is supposed to lead to satisfaction of life and mental peace.

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1. *Bhagavadgita htiashya—Shri Setnkaracharya, Iritmductiim:*
   Jagatah sthitikarnam praninam sakshadabhayudaya-nihsreyassasidhih sa dharfnah
2. *Mansollasa,* Commentary of Sri Suresvarcharya on Dakshnimurti Stotra
   Atmalabhatparo labhah nastiti kavayo viduh

In fact, the proper mode of life, according to India culture, lies in following what is prescribed by the concept of 'Chaturvidha Purushartha'. The advantage of such a plan of life are eternal, inevitable and invariable, leading to a happy and human mind. Its ultimate satisfaction depends on reasonable and legitimate fulfilrnent of each of these Purusharthas.

The Sastras arose, for dealing with each Purushartha, Dharmasastra for Dharma; Arthasastra for Artha, Kamasastra for Kama and the whole range of voluminous literature from the *Veda*s and the commentaries thereon by Acharyas like Sri Sankara..

It is interesting to note that the treatises of every Sastra first emphasise this cultural out-look and pattern as a necessary way and mode of life. No author raises any point this basic philosophy but fully propounds it from all points of view—Kamasastra is no exception to the rule. Vatsyayana lays down this philosophy as a basic principle of life just as is done by Dharmasastra of Manu or *Arthasastra* of *Kautilya*. The *Kamasutra*, therefore, closely follows the dictates of Dharmasastra, in respect of the Asramadharma. Of course, 'Varanasrama-dharma' was the foundation of society in that period, and this was fully accepted by Vatsyayana.

With the basic foundation of *chaturvidhapurushartha* or trivarga, the concept of Kama and its satisfaction is naturally related in the first place to a suitable kind of intramarital relationship, which means the establishment of a family. The satisfaction of sex in intra-marital relationship, which is useful for the establishment of a sound family, is allowed by Dharmasastra as a legitimate satisfaction of Kama and is known as Dharmakama, which the *Bhagavadgita* praises.[1] The homehappiness that one gets under such circumstances is highly attractive to

1. *Bhagavadgita*, VH-II:
dharmavimadho bhutesu kamosmi Bharatarsabha

any man. In fact, home-happiness is one which cannot be replaced or substituted by any thing else. This is a basic truth emphasised by Vatsyayana. He quotes the authority of Gonardiya[1] in this matter, while emphasising this fact.

The achievement of this intra-marital satisfaction may not become possible, if both the parties are not fully co-operative and intelligently understand each other. In other words, Vatsyayana[2] emphasises the truth that the proper achievement of the erotic satisfaction in man, which is a physical basis of successful marriage, depends upon the co-operation of the other party and hence Kamasastra has a definite purpose to fulfil in the human being, where intelligence and brain are highly developed. In the absence of the development of the brain and mind in lower animals, this behaviour is instinctive and does not need any Sastra. Vatsyayana very clearly states that the success or failure of sexual happiness depends upon the co-operation of the other party and hence it is necessary to impart the correct and sound knowlede of this Sastra to every man and woman. The second Adhikarana is, therefore, named as Samprayogika or the portion devoted to the details of achievement of full erotic satisfaction.

It appears that a sucessful marriage is taken as the crux of the whole problem of Kama by Vatsyayana. He goes to the root causes of disruption of a family and the lasting union. The various factors, which ultimately affect the stability of marriage and family, are summarised by Vatsyayana in one sutra.[3] All the varied factors, which contribute towards the success or otherwise of a healthy

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1. *Kamasutra*, 4/1/4:
   na hyatonyadgrihasthanam chittagruhakamastiki Gonardiyah
2. *Kamasutra*. 1/2/18:
   samprayoga paradhinatvat
3. *Ibid*. Adhi. 3/1/1:
   savarnayam ananvapurvayam sastratch adhigatayam dharmarthan putrah sambandhah pakshavriddhih anupaskrita ratishcha

marriage, are summarised in the following three categories: (1) proper reproduction, (2) erotic satisfcation, (3) individuality or personality adjustment.

The term 'putra' in the sutra indicates proper reproduction. The term 'anupaskrita rati' indipates full faith among the partners and a very natural union leading to erotic satisfaction, while 'sambhanda', points to the personality adjustments without which 'pakshavriddhi' or enhancement of one's own family friendships is not possible. Even the modern authorities on sex emphasise the same groups of factors. Havelock Ellis states, "To the truly successful marriage, there go not only an erotic harmony but a union of many-sided and an ever developing non-erotic affection, a community of tastes and feelings of interest, a life in common, a probability of shared parenthood and often an economic union."[1]

Vatsyayana, thus correctly emphasises these groups of factors which lead to a successful marriage. Of course, he makes it very clear that these achievements are possible when a man marries a bride of his own class (Varna) with full ordained rites and also follows this marriage in thought, word and action. Vatsyayana closely follows Dharmasastra in the selection of a bride. Hereditary diseases, physical and mental health, family relations, character and other factors are to be considered, just as in Dharmasastra, as these prove useful in respect of a good progeny. Vatsyayana[2] has also attended to the factors of personality adjustment when he advises the young bride to win the confidence of her husband. All the rules and hints, given for full cooperation and developing a particular behaviour pattern in a bride are such that they automatically lead to the adjustntent of her personality in the new environment.

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1. Quoted by K. Walket in *Physiology of Sex*. P. 82.
2. *Kamasutra*, 4/1/1 : *bharyaikacharini gudhavis rambha devavatpatin anukulyena varteta.*

Erotics being a highly important aspect of a successful marriage, Vatsyayana naturally gives detailed hints and descriptions of the factors which lead ultimately to the erotic satisfaction of the individual. It cannot be forgotten that sexual factors are amongst those that may contribute to the happiness or unhappiness, the maintenance or dissolution of homes and marriages. Dr. Kinsey rightly remarks, "where mutually satisfactory sexual relationships are regularly available, the spouses in a marriage may find the humdrum routines of home less irritating and may accept them in their stride."[1] Most of the feminine art: in behaviour will be found to be very intimately mixed up with the erotic affectivity of the female. Havelock Ellis very correctly observes: "A large portion of the tact of a woman has the same basis. Affectivity of a woman entitles her to these certain solid advantages." Bashfulness and submission go to form some basic needs of this feminine art, which creates erotic affectivity and attraction. With the modern civilisation, this basic art and attraction of a woman are being lost forever.

Vatsyayana also mentions all the eight types of marriages— brahma, arsha, daiva, gandharva, etc. In fact, these eight categories of obtaining a bride are highly comprehensive in nature and have to be actually taken into consideration in any society. They represent all the various good and bad ways that a man can practise to obtain a bride. The Dharmasastra also records all of them and recommends Brahma as a good form of marriage. Since Vatsyayana gives more weight to the erotic satisfaction in marriage, it is but natural that he commends gandharva[2] as a more satisfactory form of

1. *Sexual Behaviour of Human Male and Female*, Vol. 2, p. 13.
2. *Kamasutra*—3/5/50:,
sukhatvadabahuklesatvadapi chavaranadiha anuragatma katvaccha gandharvah pravaro matah

marriage. Simultaneously, he admits that for the sound state of Dharma the Brahma[1] is superior to Gandharva.

Romantic love is in great demand today in Western societies. Never before in history did so many young men date so much through such a long period of life with very few recognised guide posts and a variety of ill-defined standards. This may be one of the causes of the present-day divorce rates in these countries. Passion, no doubt, forms a very important physical foundation of love and this passion and consequent infatuation cannot be correctly separated from the real sense of love, particularly at the age in which dating is practised.

There has been a definite attempt in ancient Indian culture to produce a behaviour pattern in a woman, which led to success in marriage. The successful marriage was taken as a most important worthwhile achievement contributing to the total happiness of the individual of either sex and hence of society. In fact, all types of sexual behaviour were patterned and approximated as far as possible towards a standard pattern of a family woman, who could lead to such happiness.

Simultaneously, it was also recognised that all men and women in society would never be lucky enough to be placed in such favourable conditions of a successful married life. In view of this reality, diversities of sexual behaviour which are automatically practised were tolerated. This outlook of toleration on the different types of sex behaviour was typically Eastern and can be said to be Indian in origin. The Western outlook on sex, which was determined chiefly by the outlook on Christianity was mainly that of a sin and marriage was a sort of a permissible sin. This outlook, therefore, gave rise to a great deal of intolerance towards all other forms of sex

1. *Ibid.* 3/5/28:
purvah purvah pradhanam syat
vivaho dharmatah sthiteh

behaviour except monogamy. The Indian outlook, on the contrary, was characterised by toleration and accommodation as seen in bigamy under certain specific conditions, polygamy for the rich with all kinds of luxuries, dignified prostitution, in which the ideal behaviour of a Kanta or unmarried wife was advised for a woman and in the end, inferior types of prostitution. All these behaviours did exist in society and were tolerated as established pactices. Monogamy was no doubt ideal and was also in vogue among the majority of people. The only behaviour that was not tolerated and condemned outright was that of adultery. Vatsyayana[1] has also specifically advised against it, although he has given all the details as to how it is practised and under what conditions it becomes possible. In the end of that chapter on Paradarika, he emphatically states that this behaviour is described not for the sake of practice but only to advise men how to protect their wives from falling a pray to it. Many other obscene sexual practices have also been described with clear instructions that these practices are not meant for adoption by decent people.

Vatsyayana[2] classifies women into three categories as Kanya or an unmarried maiden, Punarbhu or widow and Vesya or a courtesan.

All the descriptions of erotic sex satisfaction are meant for a rightly wedded kanya or intra-marital relationships. She could also be educated in the various arts and she had many restrictions to follow as a dharmapatni or married wife with all the religious rites. She had many controls to observe as compared to other women.

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1. *Kamasutra, Adhi.* 5/6/47:
   dharmarthayoscha vaitomyat na charet paradarikam
2. *Kamasutra.* 1/8/3:
   tatra nayikah tisrah kanya punarbhu vesya cha.

Punarbhu or a widow was not supposed to marry really. But if she could not live without it, she could stay with a good man as his mistress. Naturally her position was below that of a married wife. While condemning the extra-marital relationships of the type of adultery, Vatsyayana's society not only tolerated but recognised, the dignified status of a Punarbhu who could stay as a mistresss in the family.

The last but not the least important is the question of prostitutes; Ganika literally means a lady, who is the member of gana or a group. The ganika like Ambapalika of Vaishali was the pride of the Licchavis and Vasantsena in a well-known drama, *Mricchakatika*, enjoyed a high status, which is enjoyed today by any good lady artist. Ganika was thus an institution by itself. It cannot be compared with the modern economic prostitution. The Ganika was highly accomplished in fine arts and social behaviour. She was the object of pride for society as well as was characterised by special artistic proficiency. In fact, the freedom she enjoyed from marriage ties was expected to be utilised for the development of artistic proficiency. She was not looked down upon as an outcast. Ganika had a perfectly independent status in society. Pingala of Videha, Sugandha of Ujjaini, Vilasini of Anantpur and Ambapalika of Vaishali are some well-known Ganikas in history.

It is interesting to note that for the higher types of prostitutes a pattern of behaviour is prescribed known as *kantanuvritta*. The behaviour pattern prescribed here approximates to a devoted wife and Kanta is an unmarried wife in Vatsyayana's society. Such women were supposed to amass great wealth. But they were advised to spend their riches in building temples, wells, gardens and also donations to Brahmins.

Generally, the institution of prostitution as a whole was tolerated as a natural social evil, as the livelihood of

a prostitute and her erotic satisfaction depend upon her profession. Moreover, there is bound to be a class of people in any society characterised by plenty of wealth, luxury or higher sexuality on the one hand, and unhappiness due to erotic dissatisfaction in married life, on the other. Such people naturally can be the visitors of a prostitute. Since these conditions are bound to exist in any society at any time, the institution of prostitution was also a natural event in any country and in any age. The prostitutes are classified mainly into nine categories of which Ganika stands in a class by itself.

Thus, it will be seen that in the threefold classification of women into Kanya, Punarbhu and Vesya, Vatsyayana has encompassed the entire feminine world, which can be considered from the point of view of sex and erotics. He developed all erotic considerations for the attainment of proper intramarital erotic satisfaction for a Kanya in marriage as majority of women belong to this category and wish to make their marriage happy and contented. The greater the number of successful marriages and happy families in a society, the lesser the chances of extramarital relationships. With a view to protecting this family unit in a society, Vatsyayana has strictly followed Dharmasastra and has condemned adultery in most unambiguous terms. Apart from the well-adjusted monogamy of a Kanya leading to a happy family, the institutions of bigamy and polygamy were also considered only as variations of a system of families. Owing to the inevitableness of certain conditions as they can always exist in any society, in any country and at any time, Vatsyayana has fully considered the extra-marital irregular relationship such as adultery and prostitution, ranging from the highest standard of a Ganika to the lowest standard of a Kumbhadasi. It is interesting to note that a woman was advised to find out a man who is free from diseases like tuberculosis and leprosy and firm addiction to alcohol also. The author of *Kamasutra* has not,

however, forgotten, to describe the real nature of a prostitute who is mainly interested in exploiting the man economically.

The *Kamasutra* is a treatise of high importance for a social, sexual psychologist, indologist and a moralist; it has also influenced greatly the entire field of Sanskrit poetics and drama. The great Sanskrit poets and dramatists show clear acquaintance with the *kamasutra* of Vatsyayana. Subandhu mentions him by name in *Vasavadatta*. The Gandharva or love-marriage described in the *Kamasutra*, forms a theme of Kalidasa's *Sakuntala*, which is a good depiction of the Gandharva system and its pitfalls. In the whole drama, Kalidasa shows clear acquintance with the *Kamasutra*. The famous verse[1] in this drama, which embodies Kanva's sound advice as a father and guardian to Sakuntala is framed from the sutras of the *Kamasutra*.[2] *Kumarasambhava*, the other important poetical composition of Kalidasa, also shows how this great poet was deeply influenced by the *Kamasutra*. The theme of *Kumarasambhava* forms a good background on which the poet's deep knowledge of Kama as a Purushartha and a fundamental force of life, is

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1. *Sakuntala*, Act IV, 18:
susrusasva gurun kuru priyasakhivrittim sapatnijane
bhartuh viprakritapi rosanataya ma sma pratipam gamah
bhuvistham bhava dakshina parijne bhagyesvanutsekini
yantvevam grihinipadam yuvatya vatnah kulasyadhayah
(Serve your elders, and act the part of a loving friend towards, your co-wives; though wronged do not act in a refractory way towards your husband; in a fit of (jealous) anger; be extremely polite towards your dependants, and not elated with pride in prosperity. Thus do young ladies attain the status (dignity) of a house-wife; those of an opposite character are a curse to (the banes of) their family.

2. *Kamasutra*. 4/1/37/38, 40.,
svasrusvasura, paricharya
parijane dakshinyam
bhagyesvanutsekini

manifested. The conversation between Indra and Kamadeva and the description of the erotic sentiments of the divine couple also bear evidence of this. In *Malavikagnimitra*, another drama of Kalidasa, the attendants, and messengers who aid the achievement of the object of the hero in his love affairs, are described on the same, lines as in the *Kamasutra*. Sudraka's *Mricchakatika* is another brilliant example of the depiction of a dignified life of a Ganika, Vasantsena, and a polished and well-behaved Nagaraka Charudatta. Even so is the *Kamasutra* largely used by Bhavabhuti in his *Malati-Madhava*. It will not be an exaggeration to state that most of the erotic poetry and dramatic art in Sanskrit literature has a clear background in the *Kamasutra* of Vatsyayana.

The main object of the *Kamasutra* thus, is to help the success of marriage unions and to stabilise the family systems as they may exist. The institution of a family has always formed a nucleus in all societies all over the world. The domestic cell really constitutes an original natural unit, around which the entire fabric of communal life and society is woven. The complex relationships, which arise round about this cell, are diverse in forms, intimate in associations and wide in character. The basic components of this unit are the male and the female, which are apparently opposites but are complementary to each other. The study of a family in different societies with its multiple facets has been a highly interesting topic for cultural and social scientists all over the world.

Sex is the fundamental instinct, which constitutes the force and impulse, responsible for bringing about the union between the two opposites, the male and the female. The desire for the protection of the self and propagation of the species are fundamental in the different biological species. In fact, sex can be called the only physical basis of marriage. It is on this solid foundation that the phenomenon of a family has taken a

firm footing. Unlike the other lower biological species, the species 'homo' is characterised by a highly developed mind and intellect. This attribute naturally necessitates the training of his faculties for a highly complementary role necessary in any lasting human sexual union with its responsibilities. Kamasastra has, therefore, been cultivated in Indian culture as a science by itself.

Vatsyayana brings out the fundamental cultural point of view of Dharma, Artha and Kama as evolved and practised in India. He is in agreement with the fundamental ideas contained in the DHARMASASTRA.

TIRUVALLUVAR

M. Varadarajan

Tiruvalluvar, is the most popular of the ancient Tamil writers. Yet, very little is known of his life.

Many are the legends woven round the simple life of this great saint and these legends are only the crystallisation into folklore of the reverence in which he was held by the Tamils during the past eighteen centuries. What is generally accepted about Tiruvalluvar is that he was born in Mylapore near Madras in Tamil Nadu eighteen centuries ago, learned all the great Works available, wrote the great ethical and philpsophical work, the *Tirukkural* in Tamil, and lived a long pious life in a plain and simple manner. The name of his wife, Vasuki, is known in every family, in villages as well as cities, and it symbolises the ideal wife—a wife having modesty, chastity and loyalty. After completing his great work, the *Tirukkural*, he is said to have taken it to the assembly of Tamil scholars at Madurai for their approval, but to their utter consternation the sanctified seat of the academy immediately shrunk and held only this author and his work, expelling others to be drowned in a tank. The significance of this legend is that the fame of this author eclipsed that of the other scholars of his time. Weaving is said to have been his profession but there is no internal evidence for it. The word Valluvar denotes the officer of State who proclaimed royal edicts seated on an elephant's back. The author would have belonged to the family of such officers and his work amply proves his rich

knowledge and experience of the body-politic and statecraft of those days. It is almost impossible to determine his religion. His work indicates that he was a great cosmopolite and that he was always appreciative of good principles in every religion. He was a seeker of truth in religion as in every other field and never restricted himself to one school and was never dogmatic.

Tiruvalluvar, though born in Tamil Nadu and spoke Tamil, rose above all distinctions of nation, language and creed. There is no mention in his work of any of these. He has left his legacy of wisdom to the entire world. He wanted to reform the world and teach the citizens of the world, not the people of a particular country or language. That is why the great poet, Subramanya Bharati, declared that Tiruvalluvar is a gift of Tamil Nadu to the world.

He was neither a prince nor an ascetic. Nor did he claim himself to have been god-inspired. There is no evidence to show that he moved among the people and preached his ideas. Anyhow, he wanted to appeal to one and all through his work and therefore wrote it in lucid simple language. He claimed no authenticity for the truths he taught except his own experience and experiments with life as directed by the teachings of other great men in their immortal works. He seems to have had a conviction that truth would live by its own strength and so wrote down in clear language all that he found to be true and quietly left his writing for posterity to study and understand and practise in life.

Tiruvalluvar recognized the merits of ascetic life but paid glowing tribute to household life. Perhaps on account of this, people rejoice in telling stories about the married life of the author and the great qualities of his wife, Vasuki. She is said to have had an artless simplicity and unquestioning obedience to her husband in her daily life. According to the stories, the couple lived a long happy life. In the beginning, it is said, he wanted to test

the faith of Vasuki and asked her to boil and cook for him a handful of nails and some iron pieces and that she did accordingly and satisfied him!

There is another story about the unquestioning obedience of Vasuki to her husband. A sage once visited Tiruvalluvar and wanted to know whether married life was really superior to aseticism. Tiruvalluvar did not answer him directly, but asked him to decide it himself after a few days stay with them. One morning he and the guest were served the meal of cold rice and Vasuki went to the well to draw water. At that time he called his wife and without questioning she left the water-pot hanging midway in the well and hurried to her husband. He then told her that the rice served was too hot. Again without questioning she fanned the cold rice. Another time in broad daylight, Tiruvalluvar dropped his weaving shuttle on the floor and asked her to bring a light to look for it. She lit a light and brought it immediately to him though it was a bright day. The guest found his answer and left them wiser.

In another story it is said that Tiruvalluvar instructed her to place a shell with water and a needle in it at every meal time. She did it every day without fail though she found that they were never used by her husband. Only on her deathbed she wanted to know why they were required by him every day and why they were left unused all these years. The sage told her that he wanted the needle to pick up any grain of rice dropped on the floor and the water in the shell to wash the grain by dipping it in. He also told her that she had been so careful in serving meals as not to drop even a single grain throughout her life-time and hence there had been no occasion for him to use them.

When the good lady died, Tiruvalluvar was moved to tears. There is a verse that is said to have been sung by him on the occasion: "Oh, you who cooked such delicious

food for me! Oh my dear lady! you have never disobeyed my words! You chafed my feet every night and slept after I had slept and woke up before I was awake! Are you going away from me now? When shall my eyes sleep again?"

His only work, the *Tirukkural*, is in 133 chapters of ten couplets each. There are three parts, the first in 38 chapters, the second in 70 chapters and the third in 25 chapters.

The first part is treated under two divisions, the first dealing with the householder's ethical life and the second with the life of the ascetic.

The first four chapters of the first part are said to be an introduction to the entire book. The first chapter is an invocation to God and adoration of his great qualities. Tiruvalluvar's God is a universal God not restricted to any particular country or creed. He says that only those who worship God can find relief from anxieties and can swim through the sea of births.

The second chapter deals with the importance of the rain. The world and life in it will come to a standstill without the merciful effects of rain.

The third chapter dwells upon the greatness of noble souls, saints or ascetics. The sages guide their five senses by the hook of wisdom. The great are those who do great deeds, their words are highly effective; they have ascended the mountain of goodness; their lives are adorned with graciousness and kindness towards all creatures.

The fourth chapter explains the greatness of virtue. Virtue confers bliss and wealth. Nothing is greater than it. Be spotless in mind; there is virtue only to that extent; all else is vain show. Be free from jealousy, greed, anger and harsh words. That alone is pleasure which flows from virtue; all else is neither pleasure nor glory.

Twenty chapters are devoted to domestic virtue.

It is the householder that helps the ascetic as well as the destitute. His service is fivefold; service to his ancestors, the gods, guests, relatives and himself. The ideal householder shuns sin and shares food with all. There is no need for such a householder to seek other paths. He is the foremost of all who strive for bliss; and his life is brighter than that of the ascetics. An ideal wife is one who has all the noble domestic qualities. She spends according to the means of her husband and proves to be helpful in his household life. If she is wanting in domestic virtues, the household is worthless whatever wealth and greatness it may possess. There is no greater fortune than to have a loyal and chaste wife. She guards herself, protects her husband and preserves the fame of her family. Watch and ward is of no avail; her chastity is her chief guard. A virtuous wife is the delight of household life; children are the jewels of that delightful house.

Tiruvalluvar, next deals with the importance of children for the joy of domestic life. Only those who have not enjoyed the sweetness of the children's prattle will say that the pipe is sweet and the lute is sweet.

Love of mankind is praised as the chief of the virtues. Those that do not love live only for themselves. Those that love will give even their bones to help others. The external achievements are of no avail when there is no love in the heart.

Hospitality is considered as an essential feature of household life. Sweet speech with a cheerful countenance is better than a generous gift. Humility and sweetness of speech are unique ornaments to man. One who has enjoyed the pleasure of sweet utterance will never use harsh words. Using harsh words instead of sweet ones is like eating unripe fruits when ripe ones are available.

Man should never be ungrateful. The help done at the time of need, though small in itself; is more valuable than the world itself. Gratitude is not to be measured by

the degree of help rendered; it is measured by the nobility of him that received the help.

Impartiality is a pre-eminent virtue in life. The wealth of the just man will never perish but will endure for many generations. Loss and gain are quite common in life; impartiality is the ornament to be aspired for. The glory of the noble is to be like a balance-rod, to be straight and just, to be never partial.

Self-control raises the life of a man to a higher status. If a man triumphs over his passions and swerves not from his path of righteousness, he is more imposing than a lofty mountain. Whatever else may be left without control, but there should always be control over the tongue; otherwise it will lead one to grief. The burn caused by fire heals in time, but the wound caused by the harsh tongue remains a sore.

Purity of conduct is to be prized even above life, *for* it gives value to life. Propriety of conduct is the seed of virtue; impropriety causes endless evils.

He, who cares for virtue and propriety of conduct never commits the folly of coveting another man's wife. He is no better than dead if he covets the wife of an unsuspecting friend.

Forbearance is another great virtue. The world praises not those who retaliate for an injury but only those who forgive enemies. The joy of revenge lasts for a day; but the glory of forgiveness endures for ever. The best way to win over those that have injured you is to forgive them. Those that bear with the bitter words of the insolent are greater and purer than the ascetics. Those that forgive the insolent are greater than those that fast and do penance.

One should be free from envy towards others, for envy paves the way for one's poverty and misery. The virtuous man never covets the wealth of others. Back-biting should be avoided. It is better to be harsh and

criticise a man at his very face than to utter words of slander behind his back. A slanderous tongue betrays the meanness of heart. The virtuous man should also refrain from speaking vain words.

There should be fear of doing evil, for evil begets evil. It is wisdom not to do evil even to enemies.

Benevolence seeks no return, as the clouds seek nothing from the world that gets their showers. The wealth earned by hard work should be utilised for the good of others. The wealth of the benevolent man is like the village tank full of water always useful to the people, the tree full of fruits in the midst of the village and the medicinal tree yielding itself to the needs of the suffering.

True charity is to give to the destitute. All other acts of giving have the expectation of a measured return. Eating without sharing food with others in order to hoard wealth is more miserable than the beggar's bitter life.

If you live, live to acquire fame and glory; if not, it is better not to live.

There are fourteen chapters on the virtues of ascetic life. They are equally applicable to those who have not renounced household life but have detachment and renunciation in their hearts.

Compassion is the wealth of great merit, for the material wealth is found even with vile men. The other world is not for those who are devoid of compassion just as this world is not for those who are without wealth. The poor may one day prosper, but the unkind have no means of redemption.

What is penance? It is enduring one's own sufferings and abstaining from injuring other lives.

If one leads a false life with a deceitful mind, the five elements in the body laugh at his conduct. He is the most hardhearted hypocrite who has no renunciation at heart but deceives others with his ascetic-like appearance.

One who is truthful at heart dwells in the hearts of all men. Truthfulness is essential for purity of heart as water for purity outward.

Restraint of anger is more needed where it can injure; what is the use of restraint where anger cannot injure? If a man wants to guard himself he should guard himself against his own anger; if he fails to do so it will ruin him. The proper way of punishing those who have injured is to put them to shame by acts of kindness and to forget the injury caused by them. Of what use is a man's intelligence, if he does not feel the sufferings of others as his own? Why does a man inflict on others those sufferings which in his own experience he has found to be painful?

Not to kill is the sum of virtuous conduct. Sharing food with others and abstaining from killing—these are the greatest virtues. One should abstain from killing though one has to lose one's own life by such absention.

Realisation of the instability of wordly things is essential. It is sheer ignorance to consider unstable things as stable. Wealth is transient; when it is acquired, deeds of imperishable goodness should be accomplished. Time also is transient; What is a day? It is a mark of the saw that cuts away the life of a man. A man lived yesterday and today he is no more; this is the wonderful nature of this world. Man knows not whether he will live another moment, yet his mind is occupied with innumerable thoughts. The relationship of the soul to the body is like that of a bird to its nest. Death is like sleep; birth is awakening from it.

Pleasures of renunciation are many. Even the body is too much of a burden; why should a man add to it by other attachments? He who rises above the feelings of 'I' and 'mine' attains a higher spiritual sphere. A man should renounce all attachments in order to attach himself to Him who has no attachment.

Realisation enables a man to feel heaven nearer than earth. Knowledge developed and acquired through the senses is of no use until one attains spiritual realisation. Realisation is to know the true nature of everything, whatever its appearance may be.

Desire is the root cause of all sufferings. Purity is nothing but freedom from desire. Only those who have conquered desire are really free men; others are not really free.

The last chapter in this part is on destiny and its inevitable nature.

In the second part, the first 25 chapters are on statesmanship, the next 32 chapters on ministers and other officers and the last 13 chapters on citizenship.

The ruler should be able to develop the resources of wealth and to acquire, preserve and distribute the latter suitably. He should be easy of access and should never use harsh words. He should be able to bear with bitter criticisms. He, who administers justice and protects his subjects well is looked upon as a god on earth.

Learning is essential. Ignorance should be eschewed. One should listen to the words of the wise. Knowledge is the powerful weapon to ward off destruction—the fortress which even enemies cannot destroy.

One should be free from the faults of pride, anger, lust, avarice, etc. These are the foes that lead one to ruin. The ruler should first correct his own faults and then look into those of others. None can ruin him who has the friendship of those that can reprove him when necessary. The ruler who has no such good and wise critics will perish even if he has no enemies. Action should always be preceded by due consideration and deliberation.

He will perish who indulges in acts that ought not to be done; he will also perish who fails to do those that ought to be done. Even in doing good, one may err if it is

not done so as to suit the disposition of others. While dealing with others, their strength as well as one's own strength should be studied before taking any action; the nature of the action should also be investigated. Even though the sources of income are limited, it will be alright if the expenditure be not larger than the income. Knowledge of the fitting moment for every act is essential. The crow that is weaker at night triumphs over the owl in the day time; so also the ruler's victory depends upon the suitability of time for his action. When the time is not favourable, he should wait patiently like a heron; when it becomes favourable he should act with the swiftness of the bird when it strikes at a fish. Suitability of the place of action is also essential for success. The crocodile that is all powerful in deep water will be easily conquered by other animals when it leaves it. So it for the ruler who wants to triumph over his enemies. Men for various offices should be selected after test; after proper selection they should be employed and supervised in those offices and raised to the dignity required. Forgetfulness is a serious defect. Just as the coward has no defence, so there is no prosperity for the forgetful one.

Government should be just. The way of administering justice is to deliberate well, to be impartial, to consult the learned and the codes and to act accordingly. Sovereignty will be at the feet of him who rules over his subjects with loving care. It is not the murderous weapon that brings victory to the ruler, but his just administration. The ruler protects his subjects; justice is his protection.

To be oppressive and unjust is more cruel than the cruelty of the murderer. The tears of the oppressed subjects will develop into a weapon to crush the mighty ruler. Harsh words and severe punishments are the files that waste away the ruler's enormous power. Considerateness is an ornament of the ruler. It is greatness

to forbear and show kindness even to those who deserve punishment.

Spies are as useful as codes of law. It is the duty of the ruler to know everything that befalls his subjects every day. Energy is wealth. Without energy, every other possession is of no worth. Sloth or sluggishness is always to be detested. There should be no room for the thought "this is impossible"; nothing is impossible or difficult for him who is capable of manly effort. Effort will give him the required ability to accomplish it. He, who loves not pleasure but work will serve as a pillar of strength to his kith and kin and wipe away their grief. Ceaseless and tireless effort will enable one even to triumph over destiny. One should learn to smile at troubles; that is the best way to overcome them. The great man knows that the human body is the target of troubles and so never worries about them. He, who loves not pleasure but deems troubles natural will never be a victim of sufferings. If one is capable of treating stress and strain of work as pleasure, one will be able to command the regard and respect of enemies.

It is the duty of the ministers to give sound advice to the ruler. Millions of enemies are preferable to one undesirable and unreliable minister. Prosperity and ruin are caused by words; so ministers should guard themselves against imprudence of speech. The world is at the beck and call of a good speaker capable of well-arranged and pleasing speech. Purity in action is as essential as powerful speech. What one achieves by making others shed tears will leave one with tears; what is acquired by righteous means will yield good later even if lost now.

Firmness in action depends upon firmness of mind. Consult and resolve; delay not in execution. Unfinished work and unsubdued enemies are ruinous like unextinguished fire. Love for the ruler, vast knowledge, learned eloquence, appealing personlaity, purity of

conduct and undaunted boldness are the essential qualities for the ambassadors of a State. The member of the body-politic should be like those who warm themselves at a fire, should be neither too far nor too close to the powerful ruler. The duty of the eloquent speaker is to study the audience and to weigh his words before utterance. The learning of the learned shines brighter in the assembly of the learned. Those that can courageously face death on the battle-field are many, but those who can boldly face an audience are very few.

The country should be such, that it never fails to yield adequate harvests and that the noble and the rich like to live in it. It should be free from want of food, irremediable diseases, destructive enemies, warring sects, disruptive internal forces and murderous anarchists. That country is the best which has never been devastated and even when so affected, quickly rises again to prosperity. A country should be well protected by fortresses natural as well as artificial.

It is wealth that turns unworthy men into men of importance; it is like a light that destroys darkness far and wide. Yet such wealth that has not come through virtuous means of love and grace should not be desired. A well-organised and fearless army is essential.

Good friendship is an enviable fortune. Friendship is not for merry-making; it is for rebuking and reproving friends in cases of transgression. It is risky to make friends without investigation and testing. The friendship of the worthy should be cultivated; that of the unworthy should be renounced even if it be by giving, away something. The bow bends only to injure you; the humility of the enemy should be considered as such, it is only one of his plans to harm you. Even in his hands joined to pay you homage a weapon may be hidden; his tears are also of such treacherous nature. Folly and ignorance in any form should be eschewed. Hostility

should be avoided as far as possible, for it always breeds disunion and distress. But when there is no other way, enmity towards the weak and the unworthy is to be cherished. The enmity of warriors is not so bad as that of the learned who wield words as their weapons. Hostility should be nipped in the bud; it should not be allowed to grow like thorn-trees later on requiring great efforts to be felled down. Foes who hate you directly need not be feared; but enemies who behave like friends are really harmful. Internal hatred is more destructive than acknowledged enmity.

Drinking liquor is a vice to be eschewed. Men who are addicted to drink are neither respected nor feared. To reason with them is like using a torch to search for a man drowned in deep water. Gambling is another vice to be detested.What one wins in gambling is like the baited hook that the fish eagerly swallows. It destroys not only inherited wealth but also character.

Efforts should be made to lead a healthy life. No drugging is needed if one eats after fully digesting the food taken before.

All that has been said before applied to the citizen as well, for every citizen is a ruler in his own sphere and is also a minister or administrator in his circle. The following has, therefore, to be considered as the advice or precepts especially intended for the citizen.

To be born in a good family is an advantage. Good conduct, truthfulness, delicacy, smiling nature, liberality, sweetness of speech and courtesy are characteristics of a noble citizen. Honour should be eagerly desired. Honourable citizens will never do debasing acts, however advantageous they may be. When rich, be humble; when poor, maintain dignity. Greatness, like a women's chastity, belongs to him who guards himself against meanness. The truly great behaves humbly; but the mean is self-conceited. The noble man is always conscious of his

duties. Nobility rests on five pillars: love, delicacy, benevolence, kindness and truthfulness. Humility is the strength of the noble; it is also the weapon to vanquish his foes. The touchstone of nobility is to accept defeat even at the hands of his subordinates. Ages change, but the noble remains steady in character and conduct. Courteousness is a binding virtue. Resemblance in external organs does not mark men as similar; only courteousness marks them as such. The world goes on because of the existence of courteous men; but for them it would perish in the dust. A man may be very sharp in intellect, but he is no better than wood if he lacks good manners. To those who cannot smile and be happy, this wide world is always dark, without light even in day time.

To shrink from evil is a sensitiveness of merit. Eating, clothing and the rest are common to all; but the noble are distinguished by the sensitive shrinking from evils. Those devoid of this are like puppets moved by a string.

A community is raised to a higher status by one's ceaseless effort and useful knowledge. If a man serves his community in a blameless manner, the entire nation likes to be his kith and kin. A man's true valour lies in the realisation of his responsibilities to his community. Like valiant warriors in the battlefield, the burden of a community rests on him who is efficient.

Agriculture is the chief industry; it is the peasants that support all others; they never beg but always help the destitute. If the agriculturists' hands are slackened, even the ascetic will find himself helpless. Mother Earth laughs at those who are idle and plead poverty.

Poverty is the most afflicting. Many are the miseries that accompany it. The words of the poor carry no weight even if they are sound and sincere enough.

The base one resembles the noble in form; nowhere is such a likeness. The base is happier than others because he has no pricking of the conscience in him and so has no

worry. With the base, fear is the chief motive force in life; next is intense desire.

The third part depicts the romance of an ideal couple from their first meeting to their feigned sulking in their married life. Each couplet is the utterance of the hero or the heorine in a particulr emotional situation. The various moods of the lovers are dramatically presented in them.

HE: Her feminine grace is simple but terrible. Her eyes seem to kill those that look at them. I knew not the God of death till now. Now I see him in the eyes of this graceful lady. Modesty adorns her; that is enough; of what use are all other jewels to her. She has two looks, one causes pain and the other is the cure for it. When the eyes of the lovers express agreement, the words of the mouths are of no use. The remedy for a disease is different from the disease; but in this case she is both the ailment and the cure for it. Where did she get this fire that burns at a distance and cools when nearby?

The love between us is as great as the bond between the body and the soul. I feel like living when she is by my side, and like dying when she leaves me.

SHE: My lover is so subtle that he never departs from my eyes and is never hurt by my winking. Since he abides in my eyes, I am afraid of painting them lest he is hidden. He is in my heart, so I am afraid of eating anything hot as it would affect him.

The foolish laugh at me not knowing the pangs of my love; they have not yet suffered as I do. It was only one day that I met him; but the slander is so widespread as the talk about an eclipse of the moon. The slander is the manure and the reproach of the mother the water for this anguish of love.

SHE: Tell me anything but parting; if it is only that, tell it to those who will survive your separation. If there is parting even in the case of such an understanding lover,

is there any place for trust in the world? If he is so hard-hearted as to tell me of his parting, there is no hope of his returning to save me. Yes, there are many who patiently undergo all the pangs of separation and somehow survive it; I do not know how they do so.

I would conceal my suffering from others, but it only swells like water in a spring. I can neither conceal this nor tell this to him who is the cause for this. The joy of love is great like a sea; but the anguish of it is greater. Oh, the night lulls all to sleep, but is sleepless and has the only company in me.

Why do these eyes weep and shed tears? It is they that showed him to me and caused me this anguish. When he is away, the eyes lose their sleep; when he comes, they do not sleep; thus they have trouble always.

He has taken away my beauty and modesty and in return has given me pallor and ailment.

If he comes and bestows his love, it will be like seasonal rain to those who need it.

He always abides in my heart. Have I a place in his heart? How is it that I am alive still? Is it because of the sweet thoughts of his former love? What will be my state if I forget him? Oh, I will never forget him; even that thought burns my heart.

My lover sent his messenger to me in my dream. How shall I honour and entertain that dream for such kindness. If at my request my eyes sleep, I would convey all my feelings to my lover. I am living because I am able to see my lover in my dream though he is not to be seen in the waking hours. While I sleep he rests on my shoulders but as soon as I am awake he enters my heart. Those who have not seen their lover in their dreams blame those lovers for not favouring them in the waking hours. The people here find fault with my lover for his separation. Do they not see him in dream?

Oh evening! You are the hour that kills the lonely women. What is the good that I have done to the sweet morning and what is the harm that I have done to this cruel evening? Before the departure of my lover I never experienced the suffering that the evening could cause. This anguish of love buds forth in the morning, expands throughout the day and blossoms in the evening.

My eyes that resembled blossoms shun them now because of the pangs brought by the departure of my lover. My shoulders that swelled with joy when he was with me, now look slender and announce our separation to others. When others blame him as cruel, I am pained and my shoulders become more reduced.

Oh my heart! when you go to him, please take these eyes also with you; they bother me and press me to let them see him.

Oh my good heart! give up either this love or the modesty. It is not possible for me to endure both. The axe of love now breaks open the womanly reserve of mine. I would conceal my love, but it breaks out like a sneeze without my will. Dignity is not to go after one who forsakes you, but it is not possible for lovers.

My eyes have lost their lustre and my fingers have worn away by marking the days of his prolonged absence. I am still living, simply in eager expectation of his return. Oh, I must look at my lover till my eyes are satisfied; then will the pallor of my slender shoulders vanish. To those who yearn for the return of their lovers, a single day is as tedious as seven long days.

Oh my heart! you see how his heart stands by him. Why do you not stand by me but long for him? You always go after him with such a longing. Is it because the unfortunate have few friends? What a heart it is! It fears whether it would not get him; having got, it fears whether he would depart. Who would come to one's rescue when one's own heart is not helpful?

Feigned sulking of lovers is like a little salt in food; prolonging it is like excess of salt. Without sulking love is like the fruit that is too ripe or unripe.

SHE: All the women enjoy you in common with their eyes and so I will not embrace you.

HE: I told her that I would never part with her in this life, she mistook me that I would part with her in the next births and shed tears. I said I remembered her during separation, but she misunderstood that I had first forgotten and then remembered her and began to sulk for thus forgetting her.

SHE: Even though my love is faultless, sulking helps me to get his sweet favour.

HE: Those lovers who are defeated in sulking are the true winners as is seen in their subsequent union. Let my sweetheart indulge in sulking; let me implore her and let the night be prolonged thus.

Sulking adds pleasure to love; an embrace after sulking adds delight to that.

The *Tirukkural* is one of the very few ancient works of the world which have come down the stream of ages absolutely uninjured. In the Tamil country—the country of its birth—every rival religious sect claimed it as its own and scholars belonging to various sects have written elaborate commentaries and explanations to suit their own creeds and principles. It is a very creditable achievement of Indian thought and culture.

It is written in a very simple style though the thoughts are so profound and the moral tone is so lofty and elevated. Many are the commentaries written on it and some of them, especially those of Parimal Alagar and Manakkudavar of the 14th century A.D. have become classical. This is the only work in Tamil which has been quoted by the poets of all the subsequent ages irrespective of their creeds and religious schools. It has been able to

exist as a whole, unadulterated and untampered with unlike many ancient works which had been impaired in the procession of ages.

Kural Venba is a peculiar couplet with a terse metre in Tamil. Tiru means sacred or honoured. So the title of the work signifies a sanctified work in a particular metre. It is also called the Kural without the epithet 'Tiru'. The first line pf the couplet has four feet and the second three. The work consists of 1330 couplets in 133 chapters, all in the form of epigrams of great wisdom.

The Tamil language is rich in ancient ethical works of a high standard. The *Tirukkural* is the best of these. Its date is generally accepted to be the first or second century A.D. It is said to deal with the well-known fourfold aims of life (dharma, artha, kama and moksha) expounded by the ancient Indian philosophers.

Tiruvalluvar wants mankind to be cheerful, smiling, helpful and benevolent in this world. He regards virtue as a great divine force. He wants to emphasise that the life of man does not end with this world. Only by leading a disciplined virtuous life in this world, can one remove the veils of ignorance and become free from all attachments and enter the other world of bliss. For this he has to conquer his desire and anger and every temptation to evil and practice renunciation. These he teaches in the section for ascetics, but tney are also intended for the householder. They could not practise them to the full extent as the ascetics were expected to do and so these teachings were included in the chapters for ascetic virtue. It is clear the *Tirukkural* has not belittled the value of houshold life. The author speaks of it highly in several places. It is placed at a par with, if not higher than that of the ascetic.

The second part of the book is the largest. Though it deals with statecraft and citizenship, it is named "wealth" because acquisition and distribution of wealth so as to

ensure the happiness of all constitute the basis of a good State. It is also a fact that Wealth cannot be acquired and enjoyed in security in a State when there is no stable and sound Government. What is said regarding the administration of a State applies also to the administration of a house, a farm, a business concern, an industry, etc. Wealth is essential for the efficient existence and prosperity of any such institution. It is, therefore, very appropriate to name this part 'wealth'. According to Tiruvalluvar, wealth is essential but it is only a means to an end, not an end in itself. It is required to promote efficiently the other ends, viz., domestic virtue, statecraft and romantic life.

Whether it is the teaching for the householder or the ascetic or advice to the ruler of a State or the administrator of any institution, what the author wants to impress on the minds of readers is this; that virtue and honour should triumph and vice and degradation should be eschewed in life. His intention is to mould the mind, so as to make living worthy and happy.

While the first part on righteousness contains teachings of a very high ethical standard and the second part on statecraft is full of wise utterances and pronouncements, the third part on the romantic life of an ideal couple indulging in the gentler graces of art becomes the subject matter thereof—it is full of dramatic monologues and dialogues of lovers. While we see a great sage and an able statesman and administrator in the first two parts, Tiruvalluvar comes out as a great artist in this third part dealing with love. The poetical talents of the author are best seen herein. He inspires the reader with his imaginative sketches. There are some scholars with an ascetic attitude who wonder how the great author ventures to write on such an erotic theme. Tiruvalluvar believes in simple married life as the foundation of a sound moral society and has no reason to evade treatment of this essential aspect of life. Even in the treatment of this

idealised earthly love there is serenity, purity and dignity. The lovers rise above all selfishness and their pure minds are full of sacrifice for each other. Nammalvar or Satagopan, the greatest of the twelve Vaishnava saints, freely makes use of some of these couplets on love in his hymns of divine longing for God's grace. Such is the elevated atmosphere created in this part of the *Tirukkutal* by the saintly poet Tiruvalluvar.

Tiruvalluvar is a staunch believer in *aram* or virtue, the great moral force that keeps ceaseless watch over individuals, the society and the ruler of the State and confers on those who live in accordance with moral codes all wealth and pleasure, material and spiritual. Even the mighty ruler of the State, if he does wrong, will be pushed down by the weight of his inequity. This is the way of *aram* or Dharma punishing him. Here duty or Dharma is not confined to what the caste calling involves, but consists in general in all that is virtuous and benevolent in thought, word and deed.

The Tamil people eulogise this as a Tamil Veda, the Universal Veda, the Divine Book, the Eternal Truth, etc. This got itself translated into many languages, European and Asian. It is one of the great works of the world that have gone beyond geographical boundaries and linguistic barriers and religious denominations.

Mahatma Gandhi praises it by saying that this contains "holy maxims described by Tamilians as the Tamil Veda and by M. Ariel as one of the highest and purest expressions of human thought". Albert Schweitzer, one of the greatest philosophers and humanitarians of our time, says, "Like the Buddha and the *Bhagavad-gita*, the *Kural* desires inner freedom from the world and a mind free from hatred. Like them it stands for the commandment not to kill and not to damage. It has appropriated all the valuable ethical results of the thought of world and life negation. But in addition to this ethic of inwardness there

appears in the *Kural* the living ethic of love. With sure strokes the *Kural* draws the ideal of simple ethical humanity. On the most varied questions concerning the conduct of man to himself and to the world its utterances are characterized by nobility and good sense. There hardly exists in the literature of the world a collection of maxims in which we find such lofty wisdom."

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CULTURAL LEADERS OF INDIA

The proper mode of life, according to Indian culture, lies in practising the *chaturvidha purushartha.* The four *purusharthas are Dharma, Artha, Kama and Moksha. Moksha* or self-realisation has been considered the highest achievement in this life. But the practice of the three *purusharthas* in the proper periods of life is supposed to lead to satisfaction of life and mental peace, leading ultimately to *atmalabha.*

The great Indian social philosophers made an exhaustive and scientific study of different aspects of human life and propounded treatises which left an indelible mark on Indian thought and culture. In fact, they are among the greatest legal and social philosophies of the world.

This volume covers five of these personalities, namely Manu, Yajnavalkya, Kautilya, Vatsyayana and the doyen of Tamil literary figures, Tiruvalluvar.

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